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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

HILLARY WHITE RABBIT, LLC, a
Maine limited liability company,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware
Corporation; and DOES 1-100,

Defendants.

Case No.

COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT;
and
2. VICARIOUS AND/OR
CONTRIBUTORY COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

Plaintiff Hillary White Rabbit, LLC (“White” or “Plaintiff”), by and through its undersigned attorney, hereby prays to this honorable Court for relief based on the following:

INTRODUCTION

Hillary White is a visual artist living in Maine and the principal of Hillary White Rabbit, LLC. White’s unique artwork couples her wit and keen social observations with various themes, including 1980’s redux-inspired t-shirt designs and hand-drawn, cartoon-style artwork. White’s business has been successful enough to be her only source of income.

At issue in this action are unauthorized uses of White’s artwork on apparel and personal accessories that are being sold online, including on Amazon.com,

1 Inc.'s ("Amazon") platform and marketplace, located at <https://www.amazon.com>
2 (the "Amazon Platform"). Images of infringing content reside on Amazon's
3 servers and are publicly displayed and broadcast indefinitely from these servers.
4 Despite White's submission of notices of copyright infringement to Amazon,
5 Amazon has either failed to expeditiously disable access to infringing product or
6 failed to disable access at all, resulting in the willful and pervasive infringement of
7 White's copyrights.

8 **JURISDICTION & VENUE**

9 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §§
10 101 et seq.

11 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
12 1338(a).

13 3. Defendant Amazon.com, Inc. is subject to personal jurisdiction in
14 California because it conducts substantial business in this district, has systematic
15 and continuous contacts with this district, and avails itself of the privileges and
16 benefits of California law.

17 4. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b)(2)
18 and (c)(2) because Defendant is subject to personal jurisdiction in this district.

19 **PARTIES**

20 5. Plaintiff Hillary White Rabbit, LLC ("Plaintiff") is a limited liability
21 company organized and existing under the laws of the State of Maine. Hillary
22 White is the principal of Plaintiff.

23 6. Plaintiff is informed and believes and thereon alleges that Defendant
24 Amazon.com, Inc. is a corporation organized and existing under the laws of the
25 State of Delaware with its corporate headquarters located in Seattle, Washington
26 and Arlington Virginia, and major corporate offices (over 350,000 square feet of
27 space) in Los Angeles, California.
28

1 7. Plaintiff is informed and believes and thereon alleges that Defendants
2 Does 1-100, inclusive, are manufacturers and/or vendors of products offered for
3 sale on the Amazon Platform, which Doe Defendants have manufactured,
4 imported, publicly displayed, promoted, sold and distributed apparel and other
5 products bearing unlawful reproductions of Plaintiff's artworks without Plaintiff's
6 consent.

7 8. The true names, whether corporate, individual or otherwise of
8 Defendants Does 1-100, inclusive, are presently unknown to Plaintiff, who
9 therefore sues said Defendants by such fictitious names and will seek leave to
10 amend this complaint to show their true names and capacities when the same have
11 been ascertained.

12 9. Plaintiff is informed and believes and thereon alleges that at all times
13 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
14 manager, principal, alter-ego, and/or employee of the remaining Defendants and
15 was at all times acting within the scope of such agency, affiliation, alter-ego
16 relationship and/or employment; and actively participated in or subsequently
17 ratified and adopted, or both, each and all of the acts or conduct alleged, with full
18 knowledge of all the facts and circumstances, including, but not limited to, full
19 knowledge of each and every violation of Plaintiff's rights and the damages to
20 Plaintiff proximately caused thereby.

21 **RELEVANT BACKGROUND RE AMAZON**

22 A. The Amazon Platform

23 10. The Amazon Platform is a digital software platform that allows third-
24 party, independent sellers (hereinafter, "Third-Party Sellers") to market, offer and
25 retail all types of products in an online setting. Every product offered on the
26 Amazon Platform is assigned an "Amazon Standard Identification Number," or
27 ASIN. ASINs usually consist of ten alphanumeric characters that identify the
28 product sold under that ASIN.

1 11. Amazon's marketplace business model has evolved in a variety of ways
2 over the years, including its pivot to a dual retail model and the development of its
3 Vendor Central program. The adoption of this dual retail model has allowed
4 Amazon to be both a marketplace operator and a retail vendor of product on its
5 own retail platform. Vendor Central, Amazon's wholesale platform, facilitates this
6 dual retail model, allowing Amazon to purchase products directly from Third-
7 Party Sellers at wholesale prices. These products are then sold by Amazon under
8 the designation, "Shipped and Sold by Amazon".

9 12. If a copyright owner discovers infringing material on Amazon's
10 Platform, it can submit a DMCA to Amazon's designated copyright agent, or
11 alternatively it may use an electronic form to submit a NOCI, or notice of
12 copyright infringement, via Amazon's e-Form, located at
13 <https://www.amazon.com/report/infringement>. A copyright owner can report both
14 Third-Party Seller products and Amazon retail product as infringing, and both
15 Amazon's and Third-Party Sellers' products are identified by ASIN.

16 13. Notably, Amazon works extremely expeditiously to disable access to
17 Third-Party Seller product listings for reported being sold by on Amazon. Almost
18 invariably, Amazon disables access to these Third-Party Seller product listings
19 within hours of receiving the relevant NOCI; White has never had to follow up on
20 requests for removal of Third-Party Seller product. Amazon's own retail product
21 listings, however, remain active for weeks on the Amazon Platform, available for
22 purchase well past the submission of the NOCI.

23 B. Server Images

24 14. Almost every product sold on the Amazon Platform is associated with
25 images of that product, sometimes one image and sometimes hundreds of images.
26 Each image is copied onto Amazon's servers and remains on Amazon's servers
27 unless or until Amazon takes affirmative action to remove it from these servers.
28

1 15. When White first started reporting infringing products on the Amazon
2 Platform, she had no idea that the images of infringing products and her artworks
3 were separate from the listing URL, and therefore she did not know to report the
4 individual images associated with each infringing product. Once she discovered
5 this practice, she began reporting the images to Amazon and demanding removal
6 of the product and content from Amazon Platform and its servers. However, the
7 images of previously-removed infringing product –sometimes consisting solely of
8 high-resolution reproductions of White’s artworks – remained unreported and
9 there for the taking.

10 16. Amazon’s computer servers allow for the resizing of images; anyone
11 with the pinpoint URL can change the size of the image being broadcast from
12 Amazon’s servers from, say, 60 pixels to 500 pixels, simply by replacing numbers
13 at the end of the pinpoint URL. In the context of visual artwork, these pinpoint
14 URLs provide a very valuable source of content for infringers and web scraping
15 tools. Thus, White began reporting the image URLs themselves, as Amazon
16 claimed to be unable to identify the infringing images from the product listing.
17 This was untrue, and White discovered that the images are identifiable from the
18 product listings and by the image root file name associated with the product listing
19 and ASIN. In fact, Amazon changed its IPR e-Form to accommodate the
20 reporting of both products and images.

21 17. Due to Amazon’s failure to disable public access to these high-resolution
22 images permanently stored on Amazon’s servers and displayed via pinpoint URL,
23 there are literally thousands of infringing images bearing White’s artwork that
24 have been and are being broadcast over the internet by Amazon’s servers. As
25 Amazon’s servers are routinely scraped by illegal bots and software, these images
26 are vulnerable to online extraction, and Amazon’s failure to delete these images
27 results in scraped images and even more misappropriation, keeping the cycle of
28 infringement going.

THE ARTWORK AT ISSUE

18. Prior to the conduct complained of herein, Plaintiff composed an original two-dimensional artwork entitled “Garbage in the Streets” (the “Garbage Artwork”). The Garbage Artwork was a creation of Plaintiff, and is, and at all relevant times was, owned exclusively by Plaintiff.

19. Plaintiff applied for a United States copyright registration for the Garbage in the Streets Artwork, resulting in U.S. Copyright Registration No. VA 2-295-961 with an effective date of November 10, 2022.

20. Prior to the acts complained of herein, Plaintiff posted the Garbage Artwork in her online portfolio on DeviantArt.com and offered it for sale on including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com, Threadless.com, and Society6.com.

21. Prior to the conduct complained of herein, Plaintiff composed an original two-dimensional artwork entitled “I Delight in My Own Filth” (the “Delight Artwork”). The Delight Artwork was a creation of Plaintiff, and is, and at all relevant times was, owned exclusively by Plaintiff.

22. Plaintiff applied for a United States copyright registration for the Delight Artwork, resulting in U.S. Copyright Registration No. VA 2-207-953 with an effective date of May 26, 2020.

23. Prior to the acts complained of herein, Plaintiff posted the Delight Artwork in her online portfolio on DeviantArt.com and offered it for sale including without limitation, on RedBubble.com, TeePublic.com, NeatoShop.com, Threadless.com, and Society6.com.

24. Prior to the conduct complained of herein, Plaintiff composed an original two-dimensional artwork entitled “Coven of Trash Witches” (the “Coven Artwork”). The Coven Artwork was a creation of Plaintiff, and is, and at all relevant times was, owned exclusively by Plaintiff.

1 25. Plaintiff applied for a United States copyright registration for the Coven
2 Artwork, resulting in U.S. Copyright Registration No. VA 2-163-988 with an
3 effective date of August 12, 2019.

4 26. Prior to the acts complained of herein, Plaintiff posted the Coven
5 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
6 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
7 Threadless.com, and Society6.com.

8 27. Prior to the conduct complained of herein, Plaintiff composed an original
9 two-dimensional artwork entitled “Heckin’ Spooky” (the “Heckin’ Artwork”).
10 The Heckin’ Artwork was a creation of Plaintiff, and is, and at all relevant times
11 was, owned exclusively by Plaintiff.

12 28. Plaintiff applied for a United States copyright registration for the
13 Heckin’ Artwork, resulting in U.S. Copyright Registration No. VA 2-175-216
14 with an effective date of August 30, 2019.

15 29. Prior to the acts complained of herein, Plaintiff posted the Heckin’
16 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
17 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
18 Threadless.com, and Society6.com.

19 30. Prior to the conduct complained of herein, Plaintiff composed an original
20 two-dimensional artwork entitled “I Love Halloween” (the “Halloween
21 Artwork”). The Halloween Artwork was a creation of Plaintiff, and is, and at all
22 relevant times was, owned exclusively by Plaintiff.

23 31. Plaintiff applied for a United States copyright registration for the
24 Halloween Artwork, resulting in U.S. Copyright Registration No. VA 2-227-836
25 with an effective date of October 16, 2022.

26 32. Prior to the acts complained of herein, Plaintiff posted the Halloween
27 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
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1 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
2 Threadless.com, and Society6.com.

3 33. Prior to the conduct complained of herein, Plaintiff composed an original
4 two-dimensional artwork entitled “Eat Treats, Do Tricks” (the “Eat Treats
5 Artwork”). The Eat Treats Artwork was a creation of Plaintiff, and is, and at all
6 relevant times was, owned exclusively by Plaintiff.

7 34. Plaintiff applied for a United States copyright registration for the Eat
8 Treats Artwork, resulting in U.S. Copyright Registration No. VA 2-266-280 with
9 an effective date of August 27, 2021.

10 35. Prior to the acts complained of herein, Plaintiff posted the Eat Treats
11 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
12 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
13 Threadless.com, and Society6.com.

14 36. Prior to the conduct complained of herein, Plaintiff composed an original
15 two-dimensional artwork entitled “Spicy Dog Treats” (the “Spicy Artwork”). The
16 Spicy Artwork was a creation of Plaintiff, and is, and at all relevant times was,
17 owned exclusively by Plaintiff.

18 37. Plaintiff applied for a United States copyright registration for the Spicy
19 Artwork, resulting in U.S. Copyright Registration No. VA 2-220-526 with an
20 effective date of August 25, 2020.

21 38. Prior to the acts complained of herein, Plaintiff posted the Spicy
22 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
23 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
24 Threadless.com, and Society6.com.

25 39. Prior to the conduct complained of herein, Plaintiff composed an original
26 two-dimensional artwork entitled “Toe Bean Control System” (the “Toe Bean
27 Artwork”). The Toe Bean Artwork was a creation of Plaintiff, and is, and at all
28 relevant times was, owned exclusively by Plaintiff.

1 40. Plaintiff applied for a United States copyright registration for the Toe
2 Bean Artwork, resulting in U.S. Copyright Registration No. VA 2-235-585 with
3 an effective date of December 6, 2020.

4 41. Prior to the acts complained of herein, Plaintiff posted the Toe Bean
5 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
6 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
7 Threadless.com, and Society6.com.

8 42. Prior to the conduct complained of herein, Plaintiff composed an original
9 two-dimensional artwork entitled “Street Cats” (the “Street Cats Artwork”). The
10 Street Cats Artwork was a creation of Plaintiff, and is, and at all relevant times
11 was, owned exclusively by Plaintiff.

12 43. Plaintiff applied for a United States copyright registration for the Street
13 Cats Artwork, resulting in U.S. Copyright Registration No. VA 2-145-686 with an
14 effective date of March 27, 2019.

15 44. Prior to the acts complained of herein, Plaintiff posted the Street Cats
16 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
17 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
18 Threadless.com, and Society6.com.

19 45. Prior to the conduct complained of herein, Plaintiff composed an original
20 two-dimensional artwork entitled “Here to Cause Trouble” (the “Trouble
21 Artwork”). The Trouble Artwork was a creation of Plaintiff, and is, and at all
22 relevant times was, owned exclusively by Plaintiff.

23 46. Plaintiff applied for a United States copyright registration for the
24 Trouble Artwork, resulting in U.S. Copyright Registration No. VA 2-256-256 with
25 an effective date of June 8, 2021.

26 47. Prior to the acts complained of herein, Plaintiff posted the Trouble
27 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
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1 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
2 Threadless.com, and Society6.com.

3 48. Prior to the conduct complained of herein, Plaintiff composed an original
4 two-dimensional artwork entitled “Fluffin’ Meowgical” (the “Fluffin’ Artwork”).
5 The Fluffin’ Artwork was a creation of Plaintiff, and is, and at all relevant times
6 was, owned exclusively by Plaintiff.

7 49. Plaintiff applied for a United States copyright registration for the Fluffin’
8 Artwork, resulting in U.S. Copyright Registration No. VA 2-179-490 with an
9 effective date of November 24, 2019.

10 50. Prior to the acts complained of herein, Plaintiff posted the Fluffin’
11 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
12 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
13 Threadless.com, and Society6.com.

14 51. Prior to the conduct complained of herein, Plaintiff composed an original
15 two-dimensional artwork entitled “Garbage of the Damned” (the “Damned
16 Artwork”). The Damned Artwork was a creation of Plaintiff, and is, and at all
17 relevant times was, owned exclusively by Plaintiff.

18 52. Plaintiff applied for a United States copyright registration for the
19 Damned Artwork, resulting in U.S. Copyright Registration No. VA 2-145-677
20 with an effective date of March 25, 2019.

21 53. Prior to the acts complained of herein, Plaintiff posted the Damned
22 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
23 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
24 Threadless.com, and Society6.com.

25 54. Prior to the conduct complained of herein, Plaintiff composed an original
26 two-dimensional artwork entitled “Headbutts & Throat Cuts” (the “Headbutts
27 Artwork”). The Headbutts Artwork was a creation of Plaintiff, and is, and at all
28 relevant times was, owned exclusively by Plaintiff.

1 55. Plaintiff applied for a United States copyright registration for the
2 Headbutts Artwork, resulting in U.S. Copyright Registration No. VA 2-343-677
3 with an effective date of February 26, 2023.

4 56. Prior to the acts complained of herein, Plaintiff posted the Headbutts
5 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
6 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
7 Threadless.com, and Society6.com.

8 57. Prior to the conduct complained of herein, Plaintiff composed an original
9 two-dimensional artwork entitled “Pestilence” (the “Pestilence Artwork”). The
10 Pestilence Artwork was a creation of Plaintiff, and is, and at all relevant times
11 was, owned exclusively by Plaintiff.

12 58. Plaintiff applied for a United States copyright registration for the
13 Pestilence Artwork, resulting in U.S. Copyright Registration No. VA 2-145-670
14 with an effective date of April 2, 2019.

15 59. Prior to the acts complained of herein, Plaintiff posted the Pestilence
16 Artwork in her online portfolio on DeviantArt.com and offered it for sale on
17 including without limitation, RedBubble.com, TeePublic.com, NeatoShop.com,
18 Threadless.com, and Society6.com.

19 **CLAIMS RELATED TO ASIN B09MYVXP3H**

20 **(COVEN OF TRASH WITCHES ARTWORK)**

21 60. Following Plaintiff’s publication and distribution of products bearing the
22 Coven Artwork, White discovered that certain third parties had misappropriated
23 the design and were selling apparel and merchandise bearing unauthorized
24 reproductions of the Coven Artwork (“Unauthorized Product”) on the Amazon
25 Platform.

26 61. Plaintiff is informed and believes and thereon alleges that, without
27 Plaintiff’s authorization, the above-named Defendant and the DOE Defendants
28 created, manufactured, caused to be created, imported and/or exported

1 Unauthorized Product, and displayed, promoted, sold and distributed the
2 Unauthorized Product under ASIN B09MYVXP3H. A visual comparison of
3 Plaintiff's Coven Artwork and an exemplar of the Unauthorized Product is
4 included within Exhibit A, attached hereto.

5 62. The comparison clearly shows that the elements, composition, colors,
6 arrangement, layout, and appearance of the designs at issue are identical.

7 63. The exemplar provided in Exhibit A is non-inclusive, and the allegations
8 set forth herein are as to all Unauthorized Product sold by Defendants, and each of
9 them, that bears a design substantially similar to the Coven Artwork.

10 64. On December 13, 2021, Plaintiff submitted a NOCI to Amazon via
11 Amazon's Report Form.

12 65. In the NOCI, Plaintiff alerted Amazon to one (1) URL for an Amazon
13 Platform product listing under ASIN B09MYVXP3H, alleged that the
14 Unauthorized Product bore an unauthorized copy of the Coven Artwork, and
15 requested removal of the listing.

16 66. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
17 Act under 17 U.S.C. § 512 ("DMCA").

18 67. Plaintiff received an automated message confirming Amazon's receipt of
19 Plaintiff's NOCI and indicating that it would process the NOCI and notify White
20 by email in one to two days.

21 68. On December 16, 2021, White sent an email to [white-](mailto:white-settlement@amazon.com)
22 [settlement@amazon.com](mailto:white-settlement@amazon.com), notifying Amazon that the listing under ASIN
23 B09MYVXP3H was still active, and again requested removal of the listing.

24 69. Amazon disabled access to the Amazon Platform listing for
25 Unauthorized Product under ASIN B09MYVXP3H on January 2, 2022.

26 70. Upon information and belief, Amazon did not disable access to the
27 images associated with ASIN B09MYVXP3H, including images bearing
28 reproductions of White's artwork until sometime in 2023.

71. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights, and/or in blatant disregard of Plaintiff's rights, such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious, subjecting Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00) per infringement.

CLAIMS RELATED TO ASIN B09MYQ9662

(HECKIN' SPOOPY ARTWORK)

72. Following Plaintiff's publication and distribution of products bearing the Heckin' Artwork, White discovered that certain third parties had misappropriated the design and were selling apparel and merchandise bearing unauthorized reproductions of the Heckin' Artwork ("Unauthorized Product") on the Amazon Platform.

73. Plaintiff is informed and believes and thereon alleges that, without Plaintiff's authorization, the above-named Defendant and the DOE Defendants created, manufactured, caused to be created, imported and/or exported Unauthorized Product, and displayed, promoted, sold and distributed the Unauthorized Product under ASIN B09MYQ9662. A visual comparison of Plaintiff's Heckin' Artwork and an exemplar of the Unauthorized Product is included within Exhibit A, attached hereto.

74. The comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are identical.

75. This exemplar is non-inclusive, and the allegations set forth herein are as to all Unauthorized Product sold by Defendants, and each of them, that bears a design substantially similar to the Heckin' Artwork.

1 76. On December 13, 2021, Plaintiff submitted a notice of copyright
2 infringement (“NOCI”) to Amazon via Amazon’s Report Infringement form
3 located at <https://amazon.com/report/infringement> (hereinafter the “Report
4 Form”).

5 77. In the NOCI, Plaintiff alerted Amazon to two (2) URLs for Amazon
6 Platform product listings under ASIN B09MYQ9662, alleged that the
7 Unauthorized Product bore an unauthorized copy of the Heckin’ Artwork, and
8 requested removal of the listing.

9 78. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
10 Act under 17 U.S.C. § 512 (“DMCA”).

11 79. Plaintiff received an automated message confirming Amazon’s receipt of
12 Plaintiff’s NOCI and indicating that it would process the NOCI and notify White
13 by email in one to two days.

14 80. On December 16, 2021, White sent an email to [white-](mailto:white-settlement@amazon.com)
15 [settlement@amazon.com](mailto:white-settlement@amazon.com), notifying Amazon that the listing under ASIN
16 B09MYQ9662 was still active, and again requested removal of the listing.

17 81. Amazon disabled access to the Amazon Platform listing for
18 Unauthorized Product under ASIN B09MYQ9662 on January 2, 2022.

19 82. Upon information and belief, Amazon did not disable access to the
20 images associated with ASIN B09MYQ9662, including images bearing
21 reproductions of White’s artwork until at least September 5, 2023.

22 83. Plaintiff is informed and believes and thereon alleges that Defendants,
23 and each of them, have committed copyright infringement with actual or
24 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
25 Plaintiff’s rights, such that said acts of copyright infringement were, and continue
26 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
27 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
28

1 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
2 infringement.

3 **CLAIMS RELATED TO ASIN B09JJ13S34**

4 **(SPICY DOG TREATS ARTWORK)**

5 84. Following Plaintiff's publication and distribution of products bearing the
6 Spicy Artwork, White discovered that certain third parties had misappropriated the
7 design and were selling apparel and merchandise bearing unauthorized
8 reproductions of the Spicy Artwork ("Unauthorized Product") on the Amazon
9 Platform.

10 85. Plaintiff is informed and believes and thereon alleges that, without
11 Plaintiff's authorization, the above-named Defendant and the DOE Defendants
12 created, manufactured, caused to be created, imported and/or exported
13 Unauthorized Product, and displayed, promoted, sold and distributed the
14 Unauthorized Product under ASIN B09JJ13S34. A visual comparison of
15 Plaintiff's Spicy Artwork and an exemplar of the Unauthorized Product is
16 included within Exhibit A, attached hereto.

17 86. The comparison clearly shows that the elements, composition, colors,
18 arrangement, layout, and appearance of the designs at issue are identical.

19 87. This exemplar is non-inclusive, and the allegations set forth herein are as
20 to all Unauthorized Product sold by Defendants, and each of them, that bears a
21 design substantially similar to the Spicy Artwork.

22 88. On January 19, 2022, Plaintiff submitted a notice of copyright
23 infringement ("NOCI") to Amazon via Amazon's Report Infringement form
24 located at <https://amazon.com/report/infringement> (hereinafter the "Report
25 Form").

26 89. In the NOCI, Plaintiff alerted Amazon to one (1) URL for an Amazon
27 Platform product listing under ASIN B09JJ13S34, alleged that the Unauthorized
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1 Product bore an unauthorized copy of the Spicy Artwork, and requested removal
2 of the listing.

3 90. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
4 Act under 17 U.S.C. § 512 ("DMCA").

5 91. Plaintiff received an automated message confirming Amazon's receipt of
6 Plaintiff's NOCI and indicating that it would process the NOCI and notify White
7 by email in one to two days.

8 92. On January 21, 2022, White sent an email to [white-](mailto:white-settlement@amazon.com)
9 [settlement@amazon.com](mailto:white-settlement@amazon.com), notifying Amazon that the listing under ASIN
10 B09JJ13S34 was still active, and again requested removal of the listing.

11 93. Amazon disabled access to the Amazon Platform listing for
12 Unauthorized Product under ASIN B09JJ13S34 on February 4, 2022.

13 94. Upon information and belief, Amazon did not disable access to the
14 images associated with ASIN B09JJ13S34, including images bearing
15 reproductions of White's artwork until at least September 5, 2023.

16 95. Plaintiff is informed and believes and thereon alleges that Defendants,
17 and each of them, have committed copyright infringement with actual or
18 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
19 Plaintiff's rights, such that said acts of copyright infringement were, and continue
20 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
21 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
22 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
23 infringement.

24 **CLAIMS RELATED TO ASIN B09JBKMS35**

25 **(EAT TREATS, DO TRICKS ARTWORK)**

26 96. Following Plaintiff's publication and distribution of products bearing the
27 Eat Treats Artwork, White discovered that certain third parties had
28 misappropriated the design and were selling apparel and merchandise bearing

1 unauthorized reproductions of the Eat Treats Artwork (“Unauthorized Product”)
2 on the Amazon Platform.

3 97. Plaintiff is informed and believes and thereon alleges that, without
4 Plaintiff’s authorization, the above-named Defendant and the DOE Defendants
5 created, manufactured, caused to be created, imported and/or exported
6 Unauthorized Product, and displayed, promoted, sold and distributed the
7 Unauthorized Product under ASIN B09JBKMS35. A visual comparison of
8 Plaintiff’s Eat Treats Artwork and an exemplar of the Unauthorized Product is
9 included within Exhibit A, attached hereto.

10 98. The comparison clearly shows that the elements, composition, colors,
11 arrangement, layout, and appearance of the designs at issue are identical.

12 99. This exemplar is non-inclusive, and the allegations set forth herein are as
13 to all Unauthorized Product sold by Defendants, and each of them, that bears a
14 design substantially similar to the Eat Treats Artwork.

15 100. On January 19, 2022, Plaintiff submitted a notice of copyright
16 infringement (“NOCI”) to Amazon via Amazon’s Report Infringement form
17 located at <https://amazon.com/report/infringement> (hereinafter the “Report
18 Form”).

19 101. In the NOCI, Plaintiff alerted Amazon to one (1) URL for an Amazon
20 Platform product listings under ASIN B09JBKMS35, alleged that the
21 Unauthorized Product bore an unauthorized copy of the Eat Treats Artwork, and
22 requested removal of the listing.

23 102. Plaintiff’s NOCI was compliant with the Digital Millennium
24 Copyright Act under 17 U.S.C. § 512 (“DMCA”).

25 103. Plaintiff received an automated message confirming Amazon’s
26 receipt of Plaintiff’s NOCI and indicating that it would process the NOCI and
27 notify White by email in one to two days.
28

1 104. On January 21, 2022, White sent an email to [white-](mailto:white-settlement@amazon.com)
2 [settlement@amazon.com](mailto:white-settlement@amazon.com), notifying Amazon that the listing under ASIN
3 B09JBKMS35 was still active, and again requested removal of the listing.

4 105. Amazon disabled access to the Amazon Platform listing for
5 Unauthorized Product under ASIN B09JBKMS35 on February 4, 2022.

6 106. Upon information and belief, Amazon did not disable access to the
7 images associated with ASIN B09JBKMS35, including images bearing
8 reproductions of White's artwork until at least September 5, 2023.

9 107. Plaintiff is informed and believes and thereon alleges that
10 Defendants, and each of them, have committed copyright infringement with actual
11 or constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
12 Plaintiff's rights, such that said acts of copyright infringement were, and continue
13 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
14 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
15 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
16 infringement.

17 **CLAIMS RELATED TO ASIN B0BJBV7JNX**
18 **(I LOVE HALLOWEEN ARTWORK)**

19 108. Following Plaintiff's publication and distribution of products bearing
20 the Halloween Artwork, White discovered that certain third parties had
21 misappropriated the design and were selling apparel and merchandise bearing
22 unauthorized reproductions of the Halloween Artwork ("Unauthorized Product")
23 on the Amazon Platform.

24 109. Plaintiff is informed and believes and thereon alleges that, without
25 Plaintiff's authorization, the above-named Defendant and the DOE Defendants
26 created, manufactured, caused to be created, imported and/or exported
27 Unauthorized Product, and displayed, promoted, sold and distributed the
28 Unauthorized Product under ASIN B0BJBV7JNX. A visual comparison of

1 Plaintiff's Halloween Artwork and an exemplar of the Unauthorized Product is
2 included within Exhibit A, attached hereto.

3 110. The comparison clearly shows that the elements, composition, colors,
4 arrangement, layout, and appearance of the designs at issue are identical.

5 111. This exemplar is non-inclusive, and the allegations set forth herein are
6 as to all Unauthorized Product sold by Defendants, and each of them, that bears a
7 design substantially similar to the Halloween Artwork.

8 112. On October 16, 2022, Plaintiff submitted a notice of copyright
9 infringement ("NOCI") to Amazon via Amazon's Report Infringement form
10 located at <https://amazon.com/report/infringement> (hereinafter the "Report
11 Form").

12 113. In the NOCI, Plaintiff alerted Amazon to one (1) URL for an Amazon
13 Platform product listings under ASIN B0BJBV7JNX, alleged that the
14 Unauthorized Product bore an unauthorized copy of the Halloween Artwork, and
15 requested removal of the listing.

16 114. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
17 Act under 17 U.S.C. § 512 ("DMCA").

18 115. Plaintiff received an automated message confirming Amazon's receipt
19 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
20 White by email in one to two days.

21 116. On October 18, 2022, White sent an email to [white-](mailto:white-settlement@amazon.com)
22 [settlement@amazon.com](mailto:white-settlement@amazon.com), notifying Amazon that the listing under ASIN
23 B0BJBV7JNX was still active, and again requested removal of the listing.

24 117. Upon information and belief, Amazon disabled access to the Amazon
25 Platform listing for Unauthorized Product under ASIN B0BJBV7JNX on or after
26 November 7, 2022.

1 118. Upon information and belief, Amazon did not disable access to the
2 images associated with ASIN B0BJBV7JNX, including images bearing
3 reproductions of White's artwork until on or after September 5, 2023.

4 119. Plaintiff is informed and believes and thereon alleges that Defendants,
5 and each of them, have committed copyright infringement with actual or
6 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
7 Plaintiff's rights, such that said acts of copyright infringement were, and continue
8 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
9 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
10 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
11 infringement.

12 **CLAIMS RELATED TO ASIN B0CD6GLSB8**

13 **(I DELIGHT IN MY OWN FILTH ARTWORK)**

14 120. Following Plaintiff's publication and distribution of products bearing
15 the Delight Artwork, White discovered that certain third parties had
16 misappropriated the design and were selling apparel and merchandise bearing
17 unauthorized reproductions of the Delight Artwork ("Unauthorized Product") on
18 the Amazon Platform.

19 121. Plaintiff is informed and believes and thereon alleges that, without
20 Plaintiff's authorization, the above-named Defendant and the DOE Defendants
21 created, manufactured, caused to be created, imported and/or exported
22 Unauthorized Product, and displayed, promoted, sold and distributed the
23 Unauthorized Product under ASIN B0CD6GLSB8. A visual comparison of
24 Plaintiff's Delight Artwork and an exemplar of the Unauthorized Product is
25 included within Exhibit A, attached hereto.

26 122. The comparison clearly shows that the elements, composition, colors,
27 arrangement, layout, and appearance of the designs at issue are identical.
28

1 123. This exemplar is non-inclusive, and the allegations set forth herein are
2 as to all Unauthorized Product sold by Defendants, and each of them, that bears a
3 design substantially similar to the Delight Artwork.

4 124. On August 5, 2023, Plaintiff submitted a notice of copyright
5 infringement (“NOCI”) to Amazon via Amazon’s Report Infringement form
6 located at <https://amazon.com/report/infringement> (hereinafter the “Report
7 Form”).

8 125. In the NOCI, Plaintiff alerted Amazon to one (1) URL for an Amazon
9 Platform product listing under ASIN B0CD6GLSB8, alleged that the
10 Unauthorized Product bore an unauthorized copy of the Delight Artwork, and
11 requested removal of the listing.

12 126. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
13 Act under 17 U.S.C. § 512 (“DMCA”).

14 127. Plaintiff received an automated message confirming Amazon’s receipt
15 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
16 White by email in one to two days.

17 128. On August 9, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
18 [settlement@amazon.com](mailto:white-settlement@amazon.com), notifying Amazon that the listing under ASIN
19 B0CD6GLSB8 was still active, and again requested removal of the listing.

20 129. Amazon disabled access to the Amazon Platform listing for
21 Unauthorized Product under ASIN B0CD6GLSB8 on August 17, 2023.

22 130. Upon information and belief, Amazon did not disable access to the
23 images associated with ASIN B0CD6GLSB8, including images bearing
24 reproductions of White’s artwork until at least September 27, 2023.

25 131. Plaintiff is informed and believes and thereon alleges that Defendants,
26 and each of them, have committed copyright infringement with actual or
27 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
28 Plaintiff’s rights, such that said acts of copyright infringement were, and continue

1 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
2 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
3 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
4 infringement.

5 **CLAIMS RELATED TO ASIN B0CD4GGP21**

6 **(GARBAGE ARTWORK)**

7 132. Following Plaintiff's publication and distribution of products bearing
8 the Garbage Artwork, White discovered that certain third parties had
9 misappropriated the design and were selling apparel and merchandise bearing
10 unauthorized reproductions of the Garbage Artwork ("Unauthorized Product") on
11 the Amazon Platform.

12 133. Plaintiff is informed and believes and thereon alleges that, without
13 Plaintiff's authorization, the above-named Defendant and the DOE Defendants
14 created, manufactured, caused to be created, imported and/or exported
15 Unauthorized Product, and displayed, promoted, sold and distributed the
16 Unauthorized Product under ASIN B0CD4GGP21. A visual comparison of
17 Plaintiff's Garbage Artwork and an exemplar of the Unauthorized Product is
18 included within Exhibit A, attached hereto.

19 134. The comparison clearly shows that the elements, composition, colors,
20 arrangement, layout, and appearance of the designs at issue are identical.

21 135. This exemplar is non-inclusive, and the allegations set forth herein are
22 as to all Unauthorized Product sold by Defendants, and each of them, that bears a
23 design substantially similar to the Garbage Artwork.

24 136. On August 5, 2024, Plaintiff submitted a notice of copyright
25 infringement ("NOCI") to Amazon via Amazon's Report Infringement form
26 located at <https://amazon.com/report/infringement> (hereinafter the "Report
27 Form").
28

1 137. In the NOCI, Plaintiff alerted Amazon one (1) URL for an Amazon
2 Platform product listing under ASIN B0CD4GGP21, alleged that the
3 Unauthorized Product bore an unauthorized copy of the Garbage Artwork, and
4 requested removal of the listing.

5 138. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
6 Act under 17 U.S.C. § 512 ("DMCA").

7 139. Plaintiff received an automated message confirming Amazon's receipt
8 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
9 White by email in one to two days.

10 140. On August 9, 2024, White sent an email to [white-](mailto:white-settlement@amazon.com)
11 [settlement@amazon.com](mailto:white-settlement@amazon.com), notifying Amazon that the listing under ASIN
12 B0CD4GGP21 was still active, and again requested removal of the listing.

13 141. Amazon disabled access to the Amazon Platform listing for
14 Unauthorized Product under ASIN B0CD4GGP21 on or after August 17, 2023.

15 142. Upon information and belief, Amazon did not disable access to the
16 images associated with ASIN B0CD4GGP21, including images bearing
17 reproductions of White's artwork until at least September 7, 2023 after Plaintiff's
18 counsel addressed the matter directly with Amazon's legal counsel.

19 143. Plaintiff is informed and believes and thereon alleges that Defendants,
20 and each of them, have committed copyright infringement with actual or
21 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
22 Plaintiff's rights, such that said acts of copyright infringement were, and continue
23 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
24 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
25 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
26 infringement.

27 ///

28 ///

SERVER IMAGE

CLAIMS RELATED TO ASIN B0C37TSLH8

(STREET CATS ARTWORK)

144. Following Plaintiff's publication and distribution of products bearing the Street Cats Artwork, White discovered that certain third parties had misappropriated the design and were selling apparel and merchandise bearing unauthorized reproductions of the Street Cats Artwork ("Unauthorized Product") on the Amazon Platform under ASIN BOC37TSLH8.

145. Plaintiff is informed and believes and thereon alleges that, the above-named Defendant and the DOE Defendants copied, published, publicly displayed images of the Unauthorized Product without Plaintiff's authorization. A visual comparison of Plaintiff's Street Cats Artwork and an exemplar of the Unauthorized Product is included within Exhibit A, attached hereto.

146. The comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are identical.

147. This exemplar is non-inclusive, and the allegations set forth herein are as to all unauthorized content displayed by Defendants, and each of them, that bears a design substantially similar to the Street Cats Artwork.

148. On June 24, 2023, Plaintiff submitted a notice of copyright infringement ("NOCI") to Amazon for ASIN B0C37TSLH8 via Amazon's Report Infringement form located at <https://amazon.com/report/infringement> (hereinafter the "Report Form").

149. In the NOCI, Plaintiff alerted Amazon to a third-party seller product listing on the Amazon Platform under ASIN BOC37TSLH8, alleged that the Unauthorized Product bore an unauthorized copy of the Street Cats Artwork, and requested removal of the listing.

150. Plaintiff's NOCI was compliant with the Digital Millennium Copyright Act under 17 U.S.C. § 512 ("DMCA").

1 151. Plaintiff received an automated message confirming Amazon's receipt
2 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
3 White by email in one to two days, and Amazon disabled access to the third-party
4 seller listing for Unauthorized Product under ASIN BOC37TSLH8 on June 24,
5 2024.

6 152. Shortly thereafter, White discovered that images of the Unauthorized
7 Product and copies of her Street Cats Artwork ("Unauthorized Images") had been
8 retained on Amazon's computer servers and that these Unauthorized Images were
9 still accessible and publicly displayed via pinpoint URLs directed to these servers.

10 153. On June 26, 2024, White sent an email to [white-](mailto:white-settlement@amazon.com)
11 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
12 Images, provided two (2) pinpoint URLs for the Unauthorized Images, and
13 specifically requested that Amazon disable access to the Unauthorized Images.

14 154. Upon information and belief, Amazon disabled access to the
15 Unauthorized Images on or after September 27, 2023.

16 155. Plaintiff is informed and believes and thereon alleges that Defendants,
17 and each of them, have committed copyright infringement with actual or
18 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
19 Plaintiff's rights, such that said acts of copyright infringement were, and continue
20 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
21 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
22 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
23 infringement.

24 **CLAIMS RELATED TO ASIN B0B66R3BFS**

25 **(I LOVE HALLOWEEN ARTWORK)**

26 156. Following Plaintiff's publication and distribution of products bearing
27 the Halloween Artwork, White discovered that certain third parties had
28 misappropriated the design and were selling apparel and merchandise bearing

1 unauthorized reproductions of the Halloween Artwork (“Unauthorized Product”)
2 on the Amazon Platform under ASIN B0B66R3BFS.

3 157. Plaintiff is informed and believes and thereon alleges that, the above-
4 named Defendant and the DOE Defendants copied, published, publicly displayed
5 images of the Unauthorized Product without Plaintiff’s authorization. A visual
6 comparison of Plaintiff’s Halloween Artwork and an exemplar of the
7 Unauthorized Product is included within Exhibit A, attached hereto.

8 158. The comparison clearly shows that the elements, composition, colors,
9 arrangement, layout, and appearance of the designs at issue are identical.

10 159. This exemplar is non-inclusive, and the allegations set forth herein are
11 as to all unauthorized content displayed by Defendants, and each of them, that
12 bears a design substantially similar to the Halloween Artwork.

13 160. On October 6, 2022, Plaintiff submitted a notice of copyright
14 infringement (“NOCI”) to Amazon for ASIN B0B66R3BFS via Amazon’s Report
15 Infringement form located at <https://amazon.com/report/infringement> (hereinafter
16 the “Report Form”).

17 161. In the NOCI, Plaintiff alerted Amazon to a third-party seller product
18 listing on the Amazon Platform under ASIN B0B66R3BFS, alleged that the
19 Unauthorized Product bore an unauthorized copy of the Halloween Artwork, and
20 requested removal of the listing.

21 162. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
22 Act under 17 U.S.C. § 512 (“DMCA”).

23 163. Plaintiff received an automated message confirming Amazon’s receipt
24 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
25 White by email in one to two days, and Amazon disabled access to the third-party
26 seller listing for Unauthorized Product under ASIN B0B66R3BFS within several
27 days.
28

1 164. Shortly thereafter, White discovered that Amazon had retained images
2 of the Unauthorized Product and copies of her Halloween Artwork on Amazon's
3 computer servers ("Unauthorized Images") and that these Unauthorized Images
4 were still accessible and publicly displayed via pinpoint URLs directed to these
5 servers.

6 165. On October 8, 2024, White sent an email to [white-](mailto:white-settlement@amazon.com)
7 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
8 Images, provided six (6) pinpoint URLs for the Unauthorized Images, and
9 specifically requested that Amazon disable access to the Unauthorized Images.

10 166. Upon information and belief, Amazon disabled access to the last
11 Unauthorized Images on or after November 12, 2022.

12 167. Plaintiff is informed and believes and thereon alleges that Defendants,
13 and each of them, have committed copyright infringement with actual or
14 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
15 Plaintiff's rights, such that said acts of copyright infringement were, and continue
16 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
17 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
18 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
19 infringement.

20 **CLAIMS RELATED TO ASIN B0BGZQSM7L**
21 **(TOE BEAN CONTROL SYSTEM ARTWORK)**

22 168. Following Plaintiff's publication and distribution of products bearing
23 the Toe Bean Artwork, White discovered that certain third parties had
24 misappropriated the design and were selling apparel and merchandise bearing
25 unauthorized reproductions of the Toe Bean Artwork ("Unauthorized Product") on
26 the Amazon Platform under ASIN B0BGZQSM7L.

27 169. Plaintiff is informed and believes and thereon alleges that, the above-
28 named Defendant and the DOE Defendants copied, published, publicly displayed

1 images of the Unauthorized Product without Plaintiff's authorization. A visual
2 comparison of Plaintiff's Toe Bean Artwork and an exemplar of the Unauthorized
3 Product is included within Exhibit A, attached hereto.

4 170. The comparison clearly shows that the elements, composition, colors,
5 arrangement, layout, and appearance of the designs at issue are identical.

6 171. This exemplar is non-inclusive, and the allegations set forth herein are
7 as to all unauthorized content displayed by Defendants, and each of them, that
8 bears a design substantially similar to the Toe Bean Artwork.

9 172. On October 15, 2022, Plaintiff submitted a notice of copyright
10 infringement ("NOCI") to Amazon for ASIN B0BGZQSM7L via Amazon's
11 Report Infringement form located at <https://amazon.com/report/infringement>
12 (hereinafter the "Report Form").

13 173. In the NOCI, Plaintiff alerted Amazon to a third-party seller product
14 listing on the Amazon Platform under ASIN B0BGZQSM7L, alleged that the
15 Unauthorized Product bore an unauthorized copy of the Toe Bean Artwork, and
16 requested removal of the listing.

17 174. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
18 Act under 17 U.S.C. § 512 ("DMCA").

19 175. Plaintiff received an automated message confirming Amazon's receipt
20 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
21 White by email in one to two days, and Amazon disabled access to the listing for
22 Unauthorized Product under ASIN B0BGZQSM7L within several days.

23 176. Shortly thereafter, White discovered that Amazon had retained images
24 of the Unauthorized Product and copies of her Toe Bean Artwork on Amazon's
25 computer servers ("Unauthorized Images") and that these Unauthorized Images
26 were still accessible and publicly displayed via pinpoint URLs to these servers.

27 177. On October 15, 2024, White sent an email to [white-](mailto:white-settlement@amazon.com)
28 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized

1 Images, provided six (6) pinpoint URLs for the Unauthorized Images, and
2 specifically requested that Amazon disable access to the Unauthorized Images.

3 178. Upon information and belief, Amazon disabled access to the
4 Unauthorized Images on or after October 28, 2022, when White's counsel
5 demanded in writing that Amazon cease display of the Unauthorized Images.

6 179. Plaintiff is informed and believes and thereon alleges that Defendants,
7 and each of them, have committed copyright infringement with actual or
8 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
9 Plaintiff's rights, such that said acts of copyright infringement were, and continue
10 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
11 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
12 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
13 infringement.

14 **CLAIMS RELATED TO ASIN B0BLLFSHJH**
15 **(HERE TO CAUSE TROUBLE ARTWORK)**

16 180. Following Plaintiff's publication and distribution of products bearing
17 the Trouble Artwork, White discovered that certain third parties had
18 misappropriated the design and were selling apparel and merchandise bearing
19 unauthorized reproductions of the Trouble Artwork ("Unauthorized Product") on
20 the Amazon Platform under ASIN B0BLLFSHJH.

21 181. Plaintiff is informed and believes and thereon alleges that, the above-
22 named Defendant and the DOE Defendants copied, published, publicly displayed
23 images of the Unauthorized Product without Plaintiff's authorization. A visual
24 comparison of Plaintiff's Trouble Artwork and an exemplar of the Unauthorized
25 Product is included within Exhibit A, attached hereto.

26 182. The comparison clearly shows that the elements, composition, colors,
27 arrangement, layout, and appearance of the designs at issue are identical.
28

1 183. This exemplar is non-inclusive, and the allegations set forth herein are
2 as to all unauthorized content displayed by Defendants, and each of them, that
3 bears a design substantially similar to the Trouble Artwork.

4 184. On November 7, 2022, Plaintiff submitted a notice of copyright
5 infringement (“NOCI”) to Amazon for ASIN B0BLLFSHJH via Amazon’s Report
6 Infringement form located at <https://amazon.com/report/infringement> (hereinafter
7 the “Report Form”).

8 185. In the NOCI, Plaintiff alerted Amazon to an Amazon product listing on
9 the Amazon Platform under ASIN B0BLLFSHJH, alleged that the Unauthorized
10 Product bore an unauthorized copy of the Trouble Artwork, and requested removal
11 of the listing.

12 186. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
13 Act under 17 U.S.C. § 512 (“DMCA”).

14 187. Plaintiff received an automated message confirming Amazon’s receipt
15 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
16 White by email in one to two days, and Amazon disabled access to the third-party
17 seller listing for Unauthorized Product under ASIN B0BLLFSHJH within several
18 days.

19 188. Shortly thereafter, White discovered that Amazon had retained images
20 of the Unauthorized Product and copies of her Trouble Artwork on Amazon’s
21 computer servers (“Unauthorized Images”) and that these Unauthorized Images
22 were still accessible and publicly displayed via pinpoint URLs to these servers.

23 189. On November 9, 2022, White sent an email to [white-](mailto:white-settlement@amazon.com)
24 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
25 Images, provided forty-six (46) pinpoint URLs for the Unauthorized Images, and
26 specifically requested that Amazon disable access to the Unauthorized Images.

27 190. Upon information and belief, Amazon disabled access to the
28 Unauthorized Images on or after March 15, 2023.

1 191. Plaintiff is informed and believes and thereon alleges that Defendants,
2 and each of them, have committed copyright infringement with actual or
3 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
4 Plaintiff's rights, such that said acts of copyright infringement were, and continue
5 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
6 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
7 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
8 infringement.

9 **CLAIMS RELATED TO ASIN B09YDB3MYT**

10 **(STREET CATS ARTWORK)**

11 192. Following Plaintiff's publication and distribution of products bearing
12 the Street Cats Artwork, White discovered that certain third parties had
13 misappropriated the design and were selling apparel and merchandise bearing
14 unauthorized reproductions of the Street Cats Artwork ("Unauthorized Product")
15 on the Amazon Platform under ASIN B09YDB3MYT.

16 193. Plaintiff is informed and believes and thereon alleges that, the above-
17 named Defendant and the DOE Defendants copied, published, publicly displayed
18 images of the Unauthorized Product without Plaintiff's authorization. A visual
19 comparison of Plaintiff's Street Cats Artwork and an exemplar of the
20 Unauthorized Product is included within Exhibit A, attached hereto.

21 194. The comparison clearly shows that the elements, composition, colors,
22 arrangement, layout, and appearance of the designs at issue are identical.

23 195. This exemplar is non-inclusive, and the allegations set forth herein are
24 as to all unauthorized content displayed by Defendants, and each of them, that
25 bears a design substantially similar to the Street Cats Artwork.

26 196. On January 15, 2023, Plaintiff submitted a notice of copyright
27 infringement ("NOCI") to Amazon for ASIN B09YDB3MYT via Amazon's
28

1 Report Infringement form located at <https://amazon.com/report/infringement>
2 (hereinafter the “Report Form”).

3 197. In the NOCI, Plaintiff alerted Amazon to a third-party seller product
4 listing on the Amazon Platform under ASIN B09YDB3MYT, alleged that the
5 Unauthorized Product bore an unauthorized copy of the Street Cats Artwork, and
6 requested removal of the listing.

7 198. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
8 Act under 17 U.S.C. § 512 (“DMCA”).

9 199. Plaintiff received an automated message confirming Amazon’s receipt
10 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
11 White by email in one to two days, and Amazon disabled access to the product
12 listing for Unauthorized Product under ASIN B09YDB3MYT within several days.

13 200. Shortly thereafter, White discovered that Amazon had retained images
14 of the Unauthorized Product and copies of her Street Cats Artwork on Amazon’s
15 computer servers (“Unauthorized Images”) and that these Unauthorized Images
16 were still accessible and publicly displayed via pinpoint URLs to these servers.

17 201. On January 18, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
18 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
19 Images, provided eleven (11) pinpoint URLs for the Unauthorized Images, and
20 specifically requested that Amazon disable access to the Unauthorized Images.

21 202. Upon information and belief, Amazon disabled access to the
22 Unauthorized Images on or after March 15, 2023.

23 203. Plaintiff is informed and believes and thereon alleges that Defendants,
24 and each of them, have committed copyright infringement with actual or
25 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
26 Plaintiff’s rights, such that said acts of copyright infringement were, and continue
27 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
28 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in

the sum of up to one hundred fifty thousand dollars (\$150,000.00) per infringement.

**CLAIMS RELATED TO ASINs B09VF96PVD,
B09VF6QPWS, B09VF9PV3Q, and B09VF7V4HM
(FLUFFIN’ MEOWGICAL ARTWORK)**

204. Following Plaintiff’s publication and distribution of products bearing the Fluffin’ Artwork, White discovered that certain third parties had misappropriated the design and were selling apparel and merchandise bearing unauthorized reproductions of the Street Cats Artwork (“Unauthorized Product”) on the Amazon Platform under ASINs B09VF96PVD, B09VF6QPWS, B09VF9PV3Q, and B09VF7V4HM.

205. Plaintiff is informed and believes and thereon alleges that, the above-named Defendant and the DOE Defendants copied, published, publicly displayed images of the Unauthorized Product without Plaintiff’s authorization. A visual comparison of Plaintiff’s Fluffin’ Artwork and an exemplar of the Unauthorized Product is included within Exhibit A, attached hereto.

206. The comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are identical.

207. This exemplar is non-inclusive, and the allegations set forth herein are as to all unauthorized content displayed by Defendants, and each of them, that bears a design substantially similar to the Fluffin’ Artwork.

208. On February 2, 2023, Plaintiff submitted a notice of copyright infringement (“NOCI”) to Amazon for ASINs B09VF96PVD, B09VF6QPWS, B09VF9PV3Q, and B09VF7V4HM via Amazon’s Report Infringement form located at <https://amazon.com/report/infringement> (hereinafter the “Report Form”).

209. In the NOCI, Plaintiff alerted Amazon to four (4) third-party seller product listings on the Amazon Platform under ASINs B09VF96PVD,

1 B09VF6QPWS, B09VF9PV3Q, and B09VF7V4HM, alleged that the
2 Unauthorized Product bore an unauthorized copy of the Fluffin' Artwork, and
3 requested removal of the listings.

4 210. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
5 Act under 17 U.S.C. § 512 ("DMCA").

6 211. Plaintiff received an automated message confirming Amazon's receipt
7 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
8 White by email in one to two days, and Amazon disabled access to the product
9 listing for Unauthorized Product under ASINs B09VF96PVD, B09VF6QPWS,
10 B09VF9PV3Q, and B09VF7V4HM within several days.

11 212. Shortly thereafter, White discovered that Amazon had retained images
12 of the Unauthorized Product and copies of her Fluffin' Artwork on Amazon's
13 computer servers ("Unauthorized Images") and that these Unauthorized Images
14 were still accessible and publicly displayed via pinpoint URLs to these servers.

15 213. On February 6, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
16 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
17 Images, provided nine (9) pinpoint URLs for the Unauthorized Images, and
18 specifically requested that Amazon disable access to the Unauthorized Images.

19 214. Upon information and belief, Amazon disabled access to the
20 Unauthorized Images on or after March 15, 2023.

21 215. Plaintiff is informed and believes and thereon alleges that Defendants,
22 and each of them, have committed copyright infringement with actual or
23 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
24 Plaintiff's rights, such that said acts of copyright infringement were, and continue
25 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
26 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
27 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
28 infringement.

CLAIMS RELATED TO ASIN B09WJG6V72
(FLUFFIN' MEOWGICAL ARTWORK)

216. Following Plaintiff's publication and distribution of products bearing the Fluffin' Artwork, White discovered that certain third parties had misappropriated the design and were selling apparel and merchandise bearing unauthorized reproductions of the Fluffin' Artwork ("Unauthorized Product") on the Amazon Platform under ASIN B09WJG6V72.

217. Plaintiff is informed and believes and thereon alleges that, the above-named Defendant and the DOE Defendants copied, published, publicly displayed images of the Unauthorized Product without Plaintiff's authorization. A visual comparison of Plaintiff's Fluffin' Artwork and an exemplar of the Unauthorized Product is included within Exhibit A, attached hereto.

218. The comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are identical.

219. This exemplar is non-inclusive, and the allegations set forth herein are as to all unauthorized content displayed by Defendants, and each of them, that bears a design substantially similar to the Fluffin' Artwork.

220. On February 2, 2023, Plaintiff submitted a notice of copyright infringement ("NOCI") to Amazon for ASIN B09WJG6V72 via Amazon's Report Infringement form located at <https://amazon.com/report/infringement> (hereinafter the "Report Form").

221. In the NOCI, Plaintiff alerted Amazon to one third-party seller product listing on the Amazon Platform under ASIN B09WJG6V72, alleged that the Unauthorized Product bore an unauthorized copy of the Fluffin' Artwork, and requested removal of the listing.

222. Plaintiff's NOCI was compliant with the Digital Millennium Copyright Act under 17 U.S.C. § 512 ("DMCA").

223. Plaintiff received an automated message confirming Amazon's receipt of Plaintiff's NOCI and indicating that it would process the NOCI and notify White by email in one to two days, and Amazon disabled access to the product listing for Unauthorized Product under ASIN B09WJG6V72 within several days.

224. Shortly thereafter, White discovered that Amazon had retained images of the Unauthorized Product and copies of her Fluffin' Artwork on Amazon's computer servers ("Unauthorized Images") and that these Unauthorized Images were still accessible and publicly displayed via pinpoint URLs to these servers.

225. On February 6, 2023, White sent an email to white-settlement@amazon.com in which she notified Amazon of the Unauthorized Images, provided fifty-two (52) pinpoint URLs for the Unauthorized Images, and specifically requested that Amazon disable access to the Unauthorized Images.

226. Upon information and belief, Amazon disabled access to the Unauthorized Images on or after March 15, 2023.

227. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights, and/or in blatant disregard of Plaintiff's rights, such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious, subjecting Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00) per infringement.

CLAIMS RELATED TO ASIN B0BY4K8254

(I DELIGHT IN MY OWN FILTH ARTWORK)

228. Following Plaintiff's publication and distribution of products bearing the Delight Artwork, White discovered that certain third parties had misappropriated the design and were selling apparel and merchandise bearing

1 unauthorized reproductions of the Delight Artwork (“Unauthorized Product”) on
2 the Amazon Platform under ASIN B0BY3K8254.

3 229. Plaintiff is informed and believes and thereon alleges that, the above-
4 named Defendant and the DOE Defendants copied, published, publicly displayed
5 images of the Unauthorized Product without Plaintiff’s authorization. A visual
6 comparison of Plaintiff’s Delight Artwork and an exemplar of the Unauthorized
7 Product is included within Exhibit A, attached hereto.

8 230. The comparison clearly shows that the elements, composition, colors,
9 arrangement, layout, and appearance of the designs at issue are identical.

10 231. This exemplar is non-inclusive, and the allegations set forth herein are
11 as to all unauthorized content displayed by Defendants, and each of them, that
12 bears a design substantially similar to the Delight Artwork.

13 232. On March 15, 2023, Plaintiff submitted a notice of copyright
14 infringement (“NOCI”) to Amazon for ASIN B0BY3K8254 via Amazon’s Report
15 Infringement form located at <https://amazon.com/report/infringement> (hereinafter
16 the “Report Form”).

17 233. In the NOCI, Plaintiff alerted Amazon to one third-party seller product
18 listing on the Amazon Platform under ASIN B0BY3K8254, alleged that the
19 Unauthorized Product bore an unauthorized copy of the Delight Artwork, and
20 requested removal of the listing.

21 234. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
22 Act under 17 U.S.C. § 512 (“DMCA”).

23 235. Plaintiff received an automated message confirming Amazon’s receipt
24 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
25 White by email in one to two days, and Amazon disabled access to the product
26 listing for Unauthorized Product under ASIN B0BY3K8254 within several days.

27 236. Shortly thereafter, White discovered that Amazon had retained images
28 of the Unauthorized Product and copies of her Delight Artwork on Amazon’s

1 computer servers (“Unauthorized Images”) and that these Unauthorized Images
2 were still accessible and publicly displayed via pinpoint URLs to these servers.

3 237. On March 17, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
4 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
5 Images, provided seven (7) pinpoint URLs for the Unauthorized Images, and
6 specifically requested that Amazon disable access to the Unauthorized Images.

7 238. Upon information and belief, Amazon disabled access to the
8 Unauthorized Images on or after April 13, 2023.

9 239. Plaintiff is informed and believes and thereon alleges that Defendants,
10 and each of them, have committed copyright infringement with actual or
11 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
12 Plaintiff’s rights, such that said acts of copyright infringement were, and continue
13 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
14 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
15 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
16 infringement.

17 **CLAIMS RELATED TO ASIN B0BY4KZD7K**

18 **(I DELIGHT IN MY OWN FILTH ARTWORK)**

19 240. Following Plaintiff’s publication and distribution of products bearing
20 the Delight Artwork, White discovered that certain third parties had
21 misappropriated the design and were selling apparel and merchandise bearing
22 unauthorized reproductions of the Delight Artwork (“Unauthorized Product”) on
23 the Amazon Platform under ASIN B0BY4KZD7K.

24 241. Plaintiff is informed and believes and thereon alleges that, the above-
25 named Defendant and the DOE Defendants copied, published, publicly displayed
26 images of the Unauthorized Product without Plaintiff’s authorization. A visual
27 comparison of Plaintiff’s Delight Artwork and an exemplar of the Unauthorized
28 Product is included within Exhibit A, attached hereto.

1 242. The comparison clearly shows that the elements, composition, colors,
2 arrangement, layout, and appearance of the designs at issue are identical.

3 243. This exemplar is non-inclusive, and the allegations set forth herein are
4 as to all unauthorized content displayed by Defendants, and each of them, that
5 bears a design substantially similar to the Delight Artwork.

6 244. On March 15, 2023, Plaintiff submitted a notice of copyright
7 infringement (“NOCI”) to Amazon for ASIN B0BY4KZD7K via Amazon’s
8 Report Infringement form located at <https://amazon.com/report/infringement>
9 (hereinafter the “Report Form”).

10 245. In the NOCI, Plaintiff alerted Amazon to one third-party seller product
11 listing on the Amazon Platform under ASIN B0BY4KZD7K, alleged that the
12 Unauthorized Product bore an unauthorized copy of the Delight Artwork, and
13 requested removal of the listing.

14 246. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
15 Act under 17 U.S.C. § 512 (“DMCA”).

16 247. Plaintiff received an automated message confirming Amazon’s receipt
17 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
18 White by email in one to two days, and Amazon disabled access to the product
19 listing for Unauthorized Product under ASIN B0BY4KZD7K within several days.

20 248. Shortly thereafter, White discovered that Amazon had retained images
21 of the Unauthorized Product and copies of her Delight Artwork on Amazon’s
22 computer servers (“Unauthorized Images”) and that these Unauthorized Images
23 were still accessible and publicly displayed via pinpoint URLs to these servers.

24 249. On March 17, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
25 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
26 Images, provided seven (7) pinpoint URLs for the Unauthorized Images, and
27 specifically requested that Amazon disable access to the Unauthorized Images.
28

1 250. Upon information and belief, Amazon disabled access to the
2 Unauthorized Images on or after April 13, 2023.

3 251. Plaintiff is informed and believes and thereon alleges that Defendants,
4 and each of them, have committed copyright infringement with actual or
5 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
6 Plaintiff's rights, such that said acts of copyright infringement were, and continue
7 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
8 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
9 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
10 infringement.

11 **CLAIMS RELATED TO ASIN B0BY4YLZ2N**

12 **(I DELIGHT IN MY OWN FILTH ARTWORK)**

13 252. Following Plaintiff's publication and distribution of products bearing
14 the Delight Artwork, White discovered that certain third parties had
15 misappropriated the design and were selling apparel and merchandise bearing
16 unauthorized reproductions of the Delight Artwork ("Unauthorized Product") on
17 the Amazon Platform under ASIN B0BY4YLZ2N.

18 253. Plaintiff is informed and believes and thereon alleges that, the above-
19 named Defendant and the DOE Defendants copied, published, publicly displayed
20 images of the Unauthorized Product without Plaintiff's authorization. A visual
21 comparison of Plaintiff's Delight Artwork and an exemplar of the Unauthorized
22 Product is included within Exhibit A, attached hereto.

23 254. The comparison clearly shows that the elements, composition, colors,
24 arrangement, layout, and appearance of the designs at issue are identical.

25 255. This exemplar is non-inclusive, and the allegations set forth herein are
26 as to all unauthorized content displayed by Defendants, and each of them, that
27 bears a design substantially similar to the Delight Artwork.
28

1 256. On March 15, 2023, Plaintiff submitted a notice of copyright
2 infringement (“NOCI”) to Amazon for ASIN B0BY4KZD7K via Amazon’s
3 Report Infringement form located at <https://amazon.com/report/infringement>
4 (hereinafter the “Report Form”).

5 257. In the NOCI, Plaintiff alerted Amazon to one third-party seller product
6 listing on the Amazon Platform under ASIN B0BY4YLZ2N, alleged that the
7 Unauthorized Product bore an unauthorized copy of the Delight Artwork, and
8 requested removal of the listing.

9 258. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
10 Act under 17 U.S.C. § 512 (“DMCA”).

11 259. Plaintiff received an automated message confirming Amazon’s receipt
12 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
13 White by email in one to two days, and Amazon disabled access to the product
14 listing for Unauthorized Product under ASIN B0BY4YLZ2N within several days.

15 260. Shortly thereafter, White discovered that Amazon had retained images
16 of the Unauthorized Product and copies of her Delight Artwork on Amazon’s
17 computer servers (“Unauthorized Images”) and that these Unauthorized Images
18 were still accessible and publicly displayed via pinpoint URLs to these servers.

19 261. On March 17, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
20 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
21 Images, provided seven (7) pinpoint URLs for the Unauthorized Images, and
22 specifically requested that Amazon disable access to the Unauthorized Images.

23 262. Upon information and belief, Amazon disabled access to the
24 Unauthorized Images on or after April 13, 2023.

25 263. Plaintiff is informed and believes and thereon alleges that Defendants,
26 and each of them, have committed copyright infringement with actual or
27 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
28 Plaintiff’s rights, such that said acts of copyright infringement were, and continue

1 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
2 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
3 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
4 infringement.

5 **CLAIMS RELATED TO ASIN B0BSF2Z9YJ**
6 **(GARBAGE OF THE DAMNED ARTWORK)**

7 264. Following Plaintiff's publication and distribution of products bearing
8 the Damned Artwork, White discovered that certain third parties had
9 misappropriated the design and were selling apparel and merchandise bearing
10 unauthorized reproductions of the Damned Artwork ("Unauthorized Product") on
11 the Amazon Platform under ASIN B0BSF2Z9YJ.

12 265. Plaintiff is informed and believes and thereon alleges that, the above-
13 named Defendant and the DOE Defendants copied, published, publicly displayed
14 images of the Unauthorized Product without Plaintiff's authorization. A visual
15 comparison of Plaintiff's Damned Artwork and an exemplar of the Unauthorized
16 Product is included within Exhibit A, attached hereto.

17 266. The comparison clearly shows that the elements, composition, colors,
18 arrangement, layout, and appearance of the designs at issue are identical.

19 267. This exemplar is non-inclusive, and the allegations set forth herein are
20 as to all unauthorized content displayed by Defendants, and each of them, that
21 bears a design substantially similar to the Damned Artwork.

22 268. On March 19, 2023, Plaintiff submitted a notice of copyright
23 infringement ("NOCI") to Amazon for ASIN B0BSF2Z9YJ via Amazon's Report
24 Infringement form located at <https://amazon.com/report/infringement> (hereinafter
25 the "Report Form").

26 269. In the NOCI, Plaintiff alerted Amazon to one third-party seller product
27 listing on the Amazon Platform under ASIN B0BSF2Z9YJ, alleged that the
28

1 Unauthorized Product bore an unauthorized copy of the Damned Artwork, and
2 requested removal of the listing.

3 270. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
4 Act under 17 U.S.C. § 512 ("DMCA").

5 271. Plaintiff received an automated message confirming Amazon's receipt
6 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
7 White by email in one to two days, and Amazon disabled access to the product
8 listing for Unauthorized Product under ASIN B0BSF2Z9YJ within several days.

9 272. Shortly thereafter, White discovered that Amazon had retained images
10 of the Unauthorized Product and copies of her Damned Artwork on Amazon's
11 computer servers ("Unauthorized Images") and that these Unauthorized Images
12 were still accessible and publicly displayed via pinpoint URLs to these servers.

13 273. On March 21, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
14 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
15 Images, provided two (2) pinpoint URLs for the Unauthorized Images, and
16 specifically requested that Amazon disable access to the Unauthorized Images.

17 274. Upon information and belief, Amazon disabled access to the
18 Unauthorized Images on or after April 13, 2023.

19 275. Plaintiff is informed and believes and thereon alleges that Defendants,
20 and each of them, have committed copyright infringement with actual or
21 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
22 Plaintiff's rights, such that said acts of copyright infringement were, and continue
23 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
24 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
25 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
26 infringement.

27 ///

28 ///

CLAIMS RELATED TO ASIN B0BZCJCJ8
(HEADBUTTS & THROAT CUTS ARTWORK)

276. Following Plaintiff's publication and distribution of products bearing the Headbutts Artwork, White discovered that certain third parties had misappropriated the design and were selling apparel and merchandise bearing unauthorized reproductions of the Headbutts Artwork ("Unauthorized Product") on the Amazon Platform under ASIN B0BZCQJCJ8.

277. Plaintiff is informed and believes and thereon alleges that, the above-named Defendant and the DOE Defendants copied, published, publicly displayed images of the Unauthorized Product without Plaintiff's authorization. A visual comparison of Plaintiff's Headbutts Artwork and an exemplar of the Unauthorized Product is included within Exhibit A, attached hereto.

278. The comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are identical.

279. This exemplar is non-inclusive, and the allegations set forth herein are as to all unauthorized content displayed by Defendants, and each of them, that bears a design substantially similar to the Headbutts Artwork.

280. On April 9, 2023, Plaintiff submitted a notice of copyright infringement ("NOCI") to Amazon for ASIN B0BZCQJCJ8 via Amazon's Report Infringement form located at <https://amazon.com/report/infringement> (hereinafter the "Report Form").

281. In the NOCI, Plaintiff alerted Amazon to one third-party seller product listing on the Amazon Platform under ASIN B0BZCQJCJ8, alleged that the Unauthorized Product bore an unauthorized copy of the Headbutts Artwork, and requested removal of the listing.

282. Plaintiff's NOCI was compliant with the Digital Millennium Copyright Act under 17 U.S.C. § 512 ("DMCA").

1 283. Plaintiff received an automated message confirming Amazon's receipt
2 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
3 White by email in one to two days, and Amazon disabled access to the product
4 listing for Unauthorized Product under ASIN B0BZCQJCJ8 within several days.

5 284. Shortly thereafter, White discovered that Amazon had retained images
6 of the Unauthorized Product and copies of her Headbutts Artwork on Amazon's
7 computer servers ("Unauthorized Images") and that these Unauthorized Images
8 were still accessible and publicly displayed via pinpoint URLs to these servers.

9 285. On April 11, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
10 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
11 Images, provided thirty-nine (39) pinpoint URLs for the Unauthorized Images,
12 and specifically requested that Amazon disable access to the Unauthorized
13 Images.

14 286. Upon information and belief, Amazon disabled access to the
15 Unauthorized Images on or after June 16, 2023.

16 287. Plaintiff is informed and believes and thereon alleges that Defendants,
17 and each of them, have committed copyright infringement with actual or
18 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
19 Plaintiff's rights, such that said acts of copyright infringement were, and continue
20 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
21 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
22 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
23 infringement.

24 **CLAIMS RELATED TO ASIN B0BJBV7JNX**
25 **(I LOVE HALLOWEEN ARTWORK)**

26 288. Following Plaintiff's publication and distribution of products bearing
27 the Halloween Artwork, White discovered that certain third parties had
28 misappropriated the design and were displaying and selling apparel and

merchandise bearing unauthorized reproductions of the Halloween Artwork (“Unauthorized Product”) on the Amazon Platform under ASIN B0BJBV7JNX.

289. Plaintiff is informed and believes and thereon alleges that, the above-named Defendant and the DOE Defendants copied, published, publicly displayed images of the Unauthorized Product without Plaintiff’s authorization. A visual comparison of Plaintiff’s Halloween Artwork and an exemplar of the Unauthorized Product is included within Exhibit A, attached hereto.

290. The comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are identical.

291. This exemplar is non-inclusive, and the allegations set forth herein are as to all unauthorized content displayed by Defendants, and each of them, that bears a design substantially similar to the Halloween Artwork.

292. On October 16, 2022, Plaintiff submitted a notice of copyright infringement (“NOCI”) to Amazon for ASIN B0BJBV7JNX via Amazon’s Report Infringement form located at <https://amazon.com/report/infringement> (hereinafter the “Report Form”).

293. In the NOCI, Plaintiff alerted Amazon to one Amazon retail product listing on the Amazon Platform under ASIN B0BJBV7JNX, alleged that the Unauthorized Product bore an unauthorized copy of the Halloween Artwork, and requested removal of the listing.

294. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright Act under 17 U.S.C. § 512 (“DMCA”).

295. Plaintiff received an automated message confirming Amazon’s receipt of Plaintiff’s NOCI and indicating that it would process the NOCI and notify White by email in one to two days.

296. Shortly thereafter, White discovered that Amazon had retained images of the Unauthorized Product and copies of her Halloween Artwork on Amazon’s

1 computer servers (“Unauthorized Images”) and that these Unauthorized Images
2 were still accessible and publicly displayed via pinpoint URLs.

3 297. In a letter dated October 28, 2022 from Plaintiff’s counsel to Amazon’s
4 counsel, Plaintiff’s counsel demanded that Amazon disable access to a provided
5 list of pinpoint URLs displaying images of White’s artwork that still remained on
6 Amazon’s computer servers.

7 298. The list of pinpoint URLs provided with the October 28, 2022 included
8 one (1) pinpoint URL for an image of the Unauthorized Product containing an
9 image of White’s Halloween Artwork on Amazon’s computer servers
10 (“Unauthorized Image”).

11 299. Upon information and belief, Amazon disabled access to the
12 Unauthorized Product on or after November 7, 2022.

13 300. Upon information and belief, Amazon disabled access to the
14 Unauthorized Image on or after September 5, 2023.

15 301. Plaintiff is informed and believes and thereon alleges that Defendants,
16 and each of them, have committed copyright infringement with actual or
17 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
18 Plaintiff’s rights, such that said acts of copyright infringement were, and continue
19 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
20 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
21 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
22 infringement.

23 **CLAIMS RELATED TO ASIN B0BHLK6P4L**

24 **(PESTILENCE ARTWORK)**

25 302. Following Plaintiff’s publication and distribution of products bearing
26 the Pestilence Artwork, White discovered that certain third parties had
27 misappropriated the design and were displaying and selling apparel and
28

1 merchandise bearing unauthorized reproductions of the Pestilence Artwork
2 (“Unauthorized Product”) on the Amazon Platform under ASIN B0BHLK6P4L.

3 303. Plaintiff is informed and believes and thereon alleges that, the above-
4 named Defendant and the DOE Defendants copied, published, publicly displayed
5 images of the Unauthorized Product without Plaintiff’s authorization. A visual
6 comparison of Plaintiff’s Pestilence Artwork and an exemplar of the Unauthorized
7 Product is included within Exhibit A, attached hereto.

8 304. The comparison clearly shows that the elements, composition, colors,
9 arrangement, layout, and appearance of the designs at issue are identical.

10 305. This exemplar is non-inclusive, and the allegations set forth herein are
11 as to all unauthorized content displayed by Defendants, and each of them, that
12 bears a design substantially similar to the Pestilence Artwork.

13 306. On October 19, 2022, Plaintiff submitted a notice of copyright
14 infringement (“NOCI”) to Amazon for ASIN B0BHLK6P4L via Amazon’s
15 Report Infringement form located at <https://amazon.com/report/infringement>
16 (hereinafter the “Report Form”).

17 307. In the NOCI, Plaintiff alerted Amazon to one Amazon retail product
18 listing on the Amazon Platform under ASIN B0BHLK6P4L, alleged that the
19 Unauthorized Product bore an unauthorized copy of the Pestilence Artwork, and
20 requested removal of the listing.

21 308. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
22 Act under 17 U.S.C. § 512 (“DMCA”).

23 309. Plaintiff received an automated message confirming Amazon’s receipt
24 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
25 White by email in one to two days.

26 310. Shortly thereafter, White discovered that Amazon had retained images
27 of the Unauthorized Product and copies of her Pestilence Artwork on Amazon’s
28

1 computer servers (“Unauthorized Images”) and that these Unauthorized Images
2 were still accessible and publicly displayed via pinpoint URLs to these servers.

3 311. On October 21, 2022, White sent an email to [white-](mailto:white-settlement@amazon.com)
4 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon of the Unauthorized
5 Images, provided ninety-two (92) pinpoint URLs for the Unauthorized Images,
6 and specifically requested that Amazon disable access to the Unauthorized
7 Images.

8 312. In a letter dated October 28, 2022, from Plaintiff’s counsel to Amazon’s
9 counsel, Plaintiff’s counsel demanded that Amazon disable access to a provided
10 list of pinpoint URLs displaying Unauthorized Images of White’s artwork that still
11 remained on Amazon’s computer servers.

12 313. The list of pinpoint URLs provided with the October 28, 2022 letter
13 included URLs for the Unauthorized Images on Amazon’s computer servers.

14 314. Upon information and belief, Amazon disabled access to the last
15 Unauthorized Images on or after March 15, 2023.

16 315. Plaintiff is informed and believes and thereon alleges that Defendants,
17 and each of them, have committed copyright infringement with actual or
18 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
19 Plaintiff’s rights, such that said acts of copyright infringement were, and continue
20 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
21 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
22 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
23 infringement.

24 **CLAIMS RELATED TO ASIN B0CD5Q5GH8**
25 **(FLUFFIN’ MEOWGICAL ARTWORK)**

26 316. Following Plaintiff’s publication and distribution of products bearing
27 the Fluffin’ Artwork, White discovered that certain third parties had
28 misappropriated the design and were displaying and selling apparel and

merchandise bearing unauthorized reproductions of the Fluffin' Artwork ("Unauthorized Product") on the Amazon Platform under ASIN B0CD5Q5GH8.

317. Plaintiff is informed and believes and thereon alleges that, the above-named Defendant and the DOE Defendants copied, published, publicly displayed images of the Unauthorized Product without Plaintiff's authorization. A visual comparison of Plaintiff's Fluffin' Artwork and an exemplar of the Unauthorized Product is included within Exhibit A, attached hereto.

318. The comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are identical.

319. This exemplar is non-inclusive, and the allegations set forth herein are as to all unauthorized content displayed by Defendants, and each of them, that bears a design substantially similar to the Fluffin' Artwork.

320. On August 1, 2023, Plaintiff submitted a notice of copyright infringement ("NOCI") to Amazon for the image associated with ASIN B0CD5Q5GH8 ("Unauthorized Image") via Amazon's Report Infringement form located at <https://amazon.com/report/infringement> (hereinafter the "Report Form"), which had been updated to permit the reporting of images associated with reported product.

321. In the NOCI, Plaintiff alerted Amazon to one product image under ASIN B0CD5Q5GH8 ("Unauthorized Image"), alleged that the Unauthorized Image bore an unauthorized copy of the Fluffin' Artwork, and requested removal of the image.

322. Plaintiff's NOCI was compliant with the Digital Millennium Copyright Act under 17 U.S.C. § 512 ("DMCA").

323. Plaintiff received an automated message confirming Amazon's receipt of Plaintiff's NOCI and indicating that it would process the NOCI and notify White by email in one to two days.

1 324. On August 3, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
2 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon that the Unauthorized
3 Product was still active, and specifically requested that Amazon disable access to
4 the Unauthorized Product in addition to the Unauthorized Images.

5 325. Upon information and belief, Amazon disabled access to the last
6 Unauthorized Images on or after August 11, 2023.

7 326. Plaintiff is informed and believes and thereon alleges that Defendants,
8 and each of them, have committed copyright infringement with actual or
9 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
10 Plaintiff's rights, such that said acts of copyright infringement were, and continue
11 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
12 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
13 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
14 infringement.\

15 **CLAIMS RELATED TO ASIN B0CD5S7T3Z**
16 **(FLUFFIN' MEOWGICAL ARTWORK)**

17 327. Following Plaintiff's publication and distribution of products bearing
18 the Fluffin' Artwork, White discovered that certain third parties had
19 misappropriated the design and were displaying and selling apparel and
20 merchandise bearing unauthorized reproductions of the Fluffin' Artwork
21 ("Unauthorized Product") on the Amazon Platform under ASIN B0CD5S7T3Z.

22 328. Plaintiff is informed and believes and thereon alleges that, the above-
23 named Defendant and the DOE Defendants copied, published, publicly displayed
24 images of the Unauthorized Product without Plaintiff's authorization. A visual
25 comparison of Plaintiff's Fluffin' Artwork and an exemplar of the Unauthorized
26 Product is included within Exhibit A, attached hereto.

27 329. The comparison clearly shows that the elements, composition, colors,
28 arrangement, layout, and appearance of the designs at issue are identical.

1 330. This exemplar is non-inclusive, and the allegations set forth herein are
2 as to all unauthorized content displayed by Defendants, and each of them, that
3 bears a design substantially similar to the Fluffin' Artwork.

4 331. On August 1, 2023, Plaintiff submitted a notice of copyright
5 infringement ("NOCI") to Amazon for the image associated with ASIN
6 B0CD5S7T3Z via Amazon's Report Infringement form located at
7 <https://amazon.com/report/infringement> (hereinafter the "Report Form"), which
8 had been updated to permit the reporting of images associated with reported
9 product.

10 332. In the NOCI, Plaintiff alerted Amazon to one image under ASIN
11 B0CD5S7T3Z ("Unauthorized Image"), alleged that the Unauthorized Image bore
12 an unauthorized copy of the Fluffin' Artwork, and requested removal of the
13 Unauthorized Image.

14 333. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
15 Act under 17 U.S.C. § 512 ("DMCA").

16 334. Plaintiff received an automated message confirming Amazon's receipt
17 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
18 White by email in one to two days.

19 335. On August 3, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
20 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon that the Unauthorized
21 Product displayed in the Unauthorized Image reported via the Report Form was
22 still active, and specifically requested that Amazon disable access to the
23 Unauthorized Product in addition to the Unauthorized Image.

24 336. Upon information and belief, Amazon disabled access to the
25 Unauthorized Image on or after September 27, 2023.

26 337. Plaintiff is informed and believes and thereon alleges that Defendants,
27 and each of them, have committed copyright infringement with actual or
28 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of

1 Plaintiff's rights, such that said acts of copyright infringement were, and continue
2 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
3 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
4 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
5 infringement.

6 **CLAIMS RELATED TO ASIN B0CD5RFVZ6**

7 **(FLUFFIN' MEOWGICAL ARTWORK)**

8 338. Following Plaintiff's publication and distribution of products bearing
9 the Fluffin' Artwork, White discovered that certain third parties had
10 misappropriated the design and were displaying and selling apparel and
11 merchandise bearing unauthorized reproductions of the Fluffin' Artwork
12 ("Unauthorized Product") on the Amazon Platform under ASIN B0CD5RFVZ6.

13 339. Plaintiff is informed and believes and thereon alleges that, the above-
14 named Defendant and the DOE Defendants copied, published, publicly displayed
15 images of the Unauthorized Product without Plaintiff's authorization. A visual
16 comparison of Plaintiff's Fluffin' Artwork and an exemplar of the Unauthorized
17 Product is included within Exhibit A, attached hereto.

18 340. The comparison clearly shows that the elements, composition, colors,
19 arrangement, layout, and appearance of the designs at issue are identical.

20 341. This exemplar is non-inclusive, and the allegations set forth herein are
21 as to all unauthorized content displayed by Defendants, and each of them, that
22 bears a design substantially similar to the Fluffin' Artwork.

23 342. On August 1, 2023, Plaintiff submitted a notice of copyright
24 infringement ("NOCI") to Amazon for the image associated with ASIN
25 B0CD5RFVZ6 via Amazon's Report Infringement form located at
26 <https://amazon.com/report/infringement> (hereinafter the "Report Form"), which
27 had been updated to permit the reporting of images associated with reported
28 product.

1 343. In the NOCI, Plaintiff alerted Amazon to one product image under
2 ASIN B0CD5RFVZ6 (“Unauthorized Image”), alleged that the Unauthorized
3 Image bore a copy of the Fluffin’ Artwork, and requested removal of the
4 Unauthorized Image.

5 344. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
6 Act under 17 U.S.C. § 512 (“DMCA”).

7 345. Plaintiff received an automated message confirming Amazon’s receipt
8 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
9 White by email in one to two days.

10 346. On August 3, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
11 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon that the Unauthorized
12 Product displayed in the Unauthorized Image reported via the Report Form was
13 still active, and specifically requested that Amazon disable access to the
14 Unauthorized Product in addition to the Unauthorized Image.

15 347. Upon information and belief, Amazon disabled access to the
16 Unauthorized Image on or after August 11, 2023.

17 348. Plaintiff is informed and believes and thereon alleges that Defendants,
18 and each of them, have committed copyright infringement with actual or
19 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
20 Plaintiff’s rights, such that said acts of copyright infringement were, and continue
21 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
22 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
23 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
24 infringement.

25 **CLAIMS RELATED TO ASIN B0CD5R5BQ5**
26 **(FLUFFIN’ MEOWGICAL ARTWORK)**

27 349. Following Plaintiff’s publication and distribution of products bearing
28 the Fluffin’ Artwork, White discovered that certain third parties had

1 misappropriated the design and were displaying and selling apparel and
2 merchandise bearing unauthorized reproductions of the Fluffin' Artwork
3 ("Unauthorized Product") on the Amazon Platform under ASIN B0CD5R5BQ5.

4 350. Plaintiff is informed and believes and thereon alleges that, the above-
5 named Defendant and the DOE Defendants copied, published, publicly displayed
6 images of the Unauthorized Product without Plaintiff's authorization. A visual
7 comparison of Plaintiff's Fluffin' Artwork and an exemplar of the Unauthorized
8 Product is included within Exhibit A, attached hereto.

9 351. The comparison clearly shows that the elements, composition, colors,
10 arrangement, layout, and appearance of the designs at issue are identical.

11 352. This exemplar is non-inclusive, and the allegations set forth herein are
12 as to all unauthorized content displayed by Defendants, and each of them, that
13 bears a design substantially similar to the Fluffin' Artwork.

14 353. On August 1, 2023, Plaintiff submitted a notice of copyright
15 infringement ("NOCI") to Amazon for the image associated with ASIN
16 B0CD5R5BQ5 ("Unauthorized Image") via Amazon's Report Infringement form
17 located at <https://amazon.com/report/infringement> (hereinafter the "Report
18 Form"), which had been updated to permit the reporting of images associated with
19 reported product.

20 354. In the NOCI, Plaintiff alerted Amazon to one Unauthorized Image
21 under ASIN B0CD5R5BQ5, alleged that the Unauthorized Image bore an
22 unauthorized copy of the Fluffin' Artwork, and requested removal of the
23 Unauthorized Image.

24 355. Plaintiff's NOCI was compliant with the Digital Millennium Copyright
25 Act under 17 U.S.C. § 512 ("DMCA").

26 356. Plaintiff received an automated message confirming Amazon's receipt
27 of Plaintiff's NOCI and indicating that it would process the NOCI and notify
28 White by email in one to two days.

1 357. On August 3, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
2 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon that the Unauthorized
3 Product displayed in the Unauthorized Image reported via the Report Form was
4 still active, and specifically requested that Amazon disable access to the
5 Unauthorized Product in addition to the Unauthorized Image.

6 358. Upon information and belief, Amazon disabled access to the
7 Unauthorized Image on or after August 11, 2023.

8 359. Plaintiff is informed and believes and thereon alleges that Defendants,
9 and each of them, have committed copyright infringement with actual or
10 constructive knowledge of Plaintiff's rights, and/or in blatant disregard of
11 Plaintiff's rights, such that said acts of copyright infringement were, and continue
12 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
13 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
14 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
15 infringement.

16 **CLAIMS RELATED TO ASIN B0CD6GLSB8**

17 **(I DELIGHT IN MY OWN FILTH ARTWORK)**

18 360. Following Plaintiff's publication and distribution of products bearing
19 the Delight Artwork, White discovered that certain third parties had
20 misappropriated the design and were displaying and selling apparel and
21 merchandise bearing unauthorized reproductions of the Delight Artwork
22 ("Unauthorized Product") on the Amazon Platform under ASIN B0CD6GLSB8.

23 361. Plaintiff is informed and believes and thereon alleges that, the above-
24 named Defendant and the DOE Defendants copied, published, publicly displayed
25 images of the Unauthorized Product without Plaintiff's authorization. A visual
26 comparison of Plaintiff's Delight Artwork and an exemplar of the Unauthorized
27 Product is included within Exhibit A, attached hereto.
28

1 362. The comparison clearly shows that the elements, composition, colors,
2 arrangement, layout, and appearance of the designs at issue are identical.

3 363. This exemplar is non-inclusive, and the allegations set forth herein are
4 as to all unauthorized content displayed by Defendants, and each of them, that
5 bears a design substantially similar to the Delight Artwork.

6 364. On August 5, 2023, Plaintiff submitted a notice of copyright
7 infringement (“NOCI”) to Amazon for the images associated with ASIN
8 B0CD6GLSB8 (“Unauthorized Images”) via Amazon’s Report Infringement form
9 located at <https://amazon.com/report/infringement> (hereinafter the “Report
10 Form”), which had been updated to permit the reporting of images associated with
11 reported product.

12 365. In the NOCI, Plaintiff alerted Amazon to two Unauthorized Images
13 under ASIN B0CD6GLSB8, alleged that the Unauthorized Images bore an
14 unauthorized copy of the Fluffin’ Artwork, and requested removal of the
15 Unauthorized Images.

16 366. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
17 Act under 17 U.S.C. § 512 (“DMCA”).

18 367. Plaintiff received an automated message confirming Amazon’s receipt
19 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
20 White by email in one to two days.

21 368. On August 9, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
22 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon that the Unauthorized
23 Product displayed in the Unauthorized Images reported via the Report Form was
24 still active, and specifically requested that Amazon disable access to the
25 Unauthorized Product in addition to the Unauthorized Images.

26 369. Upon information and belief, Amazon disabled access to the
27 Unauthorized Images on or after September 27, 2023.
28

370. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights, and/or in blatant disregard of Plaintiff's rights, such that said acts of copyright infringement were, and continue to be, willful, intentional and malicious, subjecting Defendants, and each of them, to liability for statutory damages under Section 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars (\$150,000.00) per infringement.

CLAIMS RELATED TO ASIN B0CD4GGP21
(GARBAGE IN THE STREETS ARTWORK)

371. Following Plaintiff's publication and distribution of products bearing the Garbage Artwork, White discovered that certain third parties had misappropriated the design and were displaying and selling apparel and merchandise bearing unauthorized reproductions of the Garbage Artwork ("Unauthorized Product") on the Amazon Platform under ASIN B0CD4GGP21.

372. Plaintiff is informed and believes and thereon alleges that, the above-named Defendant and the DOE Defendants copied, published, publicly displayed images of the Unauthorized Product without Plaintiff's authorization. A visual comparison of Plaintiff's Garbage Artwork and an exemplar of the Unauthorized Product is included within Exhibit A, attached hereto.

373. The comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are identical.

374. This exemplar is non-inclusive, and the allegations set forth herein are as to all unauthorized content displayed by Defendants, and each of them, that bears a design substantially similar to the Garbage Artwork.

375. On August 5, 2023, Plaintiff submitted a notice of copyright infringement ("NOCI") to Amazon for the images associated with ASIN B0CD4GGP21 ("Unauthorized Images") via Amazon's Report Infringement form

1 located at <https://amazon.com/report/infringement> (hereinafter the “Report
2 Form”), which had been updated to permit the reporting of images associated with
3 reported product.

4 376. In the NOCI, Plaintiff alerted Amazon to two Unauthorized Images
5 under ASIN B0CD4GGP21, alleged that the Unauthorized Images bore a copy of
6 the Fluffin’ Artwork, and requested removal of the Unauthorized Images.

7 377. Plaintiff’s NOCI was compliant with the Digital Millennium Copyright
8 Act under 17 U.S.C. § 512 (“DMCA”).

9 378. Plaintiff received an automated message confirming Amazon’s receipt
10 of Plaintiff’s NOCI and indicating that it would process the NOCI and notify
11 White by email in one to two days.

12 379. On August 9, 2023, White sent an email to [white-](mailto:white-settlement@amazon.com)
13 [settlement@amazon.com](mailto:white-settlement@amazon.com) in which she notified Amazon that the Unauthorized
14 Product displayed in the Unauthorized Images reported via the Report Form was
15 still active, and specifically requested that Amazon disable access to the
16 Unauthorized Product in addition to the Unauthorized Images.

17 380. Upon information and belief, Amazon disabled access to the
18 Unauthorized Images on or after September 7, 2023.

19 381. Plaintiff is informed and believes and thereon alleges that Defendants,
20 and each of them, have committed copyright infringement with actual or
21 constructive knowledge of Plaintiff’s rights, and/or in blatant disregard of
22 Plaintiff’s rights, such that said acts of copyright infringement were, and continue
23 to be, willful, intentional and malicious, subjecting Defendants, and each of them,
24 to liability for statutory damages under Section 504(c)(2) of the Copyright Act in
25 the sum of up to one hundred fifty thousand dollars (\$150,000.00) per
26 infringement.

27 ///

28 ///

DAMAGE TO PLAINTIFF

382. In response to the widespread infringement of her proprietary artwork, White has spent countless hours identifying infringing material on the Amazon Platform and preparing and submitting NOCIs to Amazon. But for this infringement, White would have spent this time creating new artwork, growing her business, and earning a living.

383. Despite White's DMCA takedown notices, Amazon failed to act expeditiously in response to said notices for weeks at a time.

384. Despite White's best efforts, products bearing illegal copies of her artwork continue to be sold on the Amazon Platform, including without limitation, product that is sold and shipped directly by Amazon itself.

385. Despite White's DMCA takedown notices, Amazon failed to act expeditiously in response to said notices for weeks at a time.

386. Despite White's best efforts, illegal copies of her artwork continue to be displayed on the Amazon Platform, originating from Amazon's servers.

387. White has lost sales as a direct result of the infringing products listed on Amazon, as set forth supra, and but for the infringing sales, White would have sold more original, legal product.

388. White's artwork has lost significant value as a result of the oversaturation of the Amazon Platform with Unauthorized Product bearing White's artwork, as set forth supra, and but for the infringing sales, White's artwork would have retained its original value.

389. Amazon's failure to remove thousands of images bearing reproductions of White's artwork from its computer servers has resulted in thousands of copies of White's artwork portfolio being published indefinitely online, available for taking – and even resizing - by illegal software and bot scraping tools.

390. Upon information and belief, the quality of many of the infringing products is substantially inferior to White's original product. The sale of such

1 inferior product by Defendants has harmed, and will continue to harm, White's
2 reputation as an artist and retailer of product bearing her artwork.

3 **DMCA SAFE HARBOR PROTECTION**

4 391. As an online service provider who hosts content for third parties,
5 Amazon is offered protection under the safe harbor provisions of the Digital
6 Millennium Copyright Act (DMCA), 17 U.S.C. § 512.

7 392. On information and belief, Amazon can disable each link for
8 Unauthorized Product and/or Unauthorized Images that are offered and displayed
9 on the Amazon Platform.

10 393. Amazon has registered an agent with the United States Copyright
11 Office for the purposes of investigating and complying with DMCA notices
12 submitted to Amazon.

13 394. Each time Plaintiff submitted a DMCA-compliant notice to Amazon
14 requesting removal of links to Unauthorized Product, she received the following
15 automated response: "We received your email. Amazon respects the intellectual
16 property rights of others. After we process your notice, we will notify you by
17 email. This usually takes 1 to 2 days."

18 395. Plaintiff never authorized the Unauthorized Products or the
19 Unauthorized Images, as set forth above.

20 396. Because Amazon has failed to respond to Plaintiff's DMCA-compliant
21 notices expeditiously, it cannot claim protection under the DMCA's Safe Harbor
22 as contemplated by 17 U.S.C. § 512.

23 **FIRST CLAIM FOR RELIEF**

24 **(For Copyright Infringement – Against All Defendants, and Each)**

25 397. Plaintiff repeats, realleges, and incorporates the allegations contained in
26 the preceding paragraphs of this Complaint as if fully set forth herein.

27 398. White is, and at all relevant times has been, the owner of the original
28 artworks.

1 399. The original artworks are copyrightable subject matter under 17 U.S.C.
2 § 102(a)(5).

3 400. White has complied in all respects with the provisions and requirements
4 of the Copyright Act.

5 401. White duly registered the copyrights in and to all of the original
6 artworks with the United States Copyright Office prior to the acts complained of
7 herein.

8 402. White has exclusive rights under 17 U.S.C. § 106 to reproduce, prepare
9 derivative works of, distribute copies of, and publicly display the original
10 artworks.

11 403. Without White's authorization, the original artworks were reproduced
12 on distributed products and were publicly displayed on the Amazon Platform and
13 offered for sale.

14 404. Defendants, and each of them, had actual knowledge of the
15 infringement of Plaintiff's copyrights.

16 405. Amazon had actual knowledge of the infringing listings on the Amazon
17 Platform as a result of Plaintiff's NOCIs and DMCA's.

18 406. White provided notice to Amazon in compliance with the DMCA and
19 Amazon failed to expeditiously disable access to or remove the infringing links on
20 the Amazon Platform.

21 407. In failing to disable and/or remove the infringing links from the
22 Amazon Platform after receipt of Plaintiff's DMCA notices, Amazon acted
23 willfully as contemplated by 17 U.S.C. § 504(c)(2).

24 408. Amazon directly infringed White's copyrights by continuing to allow
25 public access to the infringing links on the Amazon Platform and/or Amazon's
26 server or on servers controlled by Amazon or through access controlled by
27 Amazon to third party servers, and by continuing to allow sales of a vast array of
28 infringing products.

1 409. Plaintiff is informed and believes and thereon alleges that Defendants,
2 and each of them, had access to Plaintiff's individual artworks entitled "Garbage
3 in the Streets," "I Delight in My Own Filth," "Coven of Trash Witches," "Heckin'
4 Spooky," "I Love Halloween," "Eat Treats, Do Tricks," "Spicy Dog Treats," "Toe
5 Bean Control System," "Here to Cause Trouble," "Street Cats," "Fluffin'
6 Meowgical," "Garbage Of The Damned," "Headbutts & Throat Cuts," and
7 "Pestilence," including, without limitation, through (a) access to Plaintiff's online
8 design portfolio located at DeviantArt.com; (b) access to the original artworks
9 listed for sale on t-shirts on various websites by Plaintiff including, but not limited
10 to, RedBubble.com, Threadless, com, and TeePublic.com; (c) access to illegally
11 manufactured, imported and distributed copies of the artworks by third-party
12 vendors and/or the DOE Defendants, including without limitation international
13 and/or overseas manufacturers and printing mills; and (d) t-shirts manufactured
14 and sold to the public bearing items lawfully printed with the artworks. Access is
15 also established by the striking similarity between the artworks and the
16 corresponding artwork on Defendants', and each of their, infringing product.

17 410. Plaintiff is informed and believes and thereon alleges that one or more
18 of the DOE Defendants has an ongoing business relationship with Defendant
19 retailers, and each of them, and supplied products to said retailers, which products
20 infringed the original artworks in that said products featured unauthorized
21 design(s) that were identical or substantially similar to the original artworks, or
22 were an illegal derivation or modification thereof.

23 411. Plaintiff is informed and believes and thereon alleges that Defendants,
24 and each of them, infringed Plaintiff's copyrights by creating, making, and/or
25 developing directly infringing and/or derivative works from the original artworks
26 and by producing, distributing and/or selling apparel and/or other products which
27 infringe the original artworks through Amazon's nationwide network.
28

1 412. Due to Defendants' acts of infringement, Plaintiff has suffered
2 substantial damages to its business, including without limitation, lost profits and
3 lost licensing revenue, in an amount to be established at trial.

4 413. Due to Defendants' acts of infringement, Plaintiff has suffered general
5 and special damages in an amount to be established at trial.

6 414. Due to Defendants' acts of copyright infringement as alleged herein,
7 Defendants, and each of them, have obtained direct and indirect profits they would
8 not otherwise have realized but for their infringement of the original artworks as
9 alleged herein. As such, Plaintiff is entitled to disgorgement of Defendants' profits
10 directly and indirectly attributable to Defendants' infringement of Plaintiff's rights
11 in the original artworks in an amount to be established at trial.

12 415. Plaintiff is informed and believes and thereon alleges that Defendants,
13 and each of them, have committed acts of copyright infringement, as alleged
14 above, which were willful, intentional and malicious, which further subjects
15 Defendants, and each of them, to liability for statutory damages under Section
16 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand
17 dollars (\$150,000.00) per infringement. Within the time permitted by law,
18 Plaintiff will make its election between actual damages and statutory damages.

19 **SECOND CLAIM FOR RELIEF**

20 **(For Vicarious and/or Contributory Copyright Infringement – Against All**
21 **Defendants, and Each)**

22 416. Plaintiff repeats, realleges, and incorporates herein by reference as
23 though fully set forth, the allegations contained in the preceding paragraphs of this
24 Complaint.

25 417. Plaintiff is informed and believes and thereon alleges that Defendants,
26 and each of them, knowingly induced, participated in, aided and abetted in and
27 profited from the illegal reproduction and/or subsequent sales of apparel and other
28 products featuring the original artworks as alleged herein.

1 418. Plaintiff is informed and believes and thereon alleges that Defendants,
2 and each of them, are vicariously liable for the infringement alleged herein
3 because they had the right and ability to supervise the infringing conduct and
4 because they had a direct financial interest in the infringing conduct.

5 419. By reason of the Defendants' acts of contributory and vicarious
6 infringement as alleged above, Plaintiff has suffered and will continue to suffer
7 substantial damages to its business in an amount to be established at trial, as well
8 as additional general and special damages in an amount to be established at trial.

9 420. Due to Defendants' acts of copyright infringement as alleged herein,
10 Defendants have obtained direct and indirect profits they would not otherwise
11 have realized but for its infringement of the original artworks. As such, Plaintiff is
12 entitled to disgorgement of Defendants' profits directly and indirectly attributable
13 to Defendants' infringement of Plaintiff's rights in the original artworks, in an
14 amount to be established at trial.

15 421. Plaintiff is informed and believes and thereon alleges that Defendants,
16 and each of them, have committed acts of copyright infringement, as alleged
17 above, which were willful, intentional and malicious, which further subjects
18 Defendants to liability for statutory damages under Section 504(c)(2) of the
19 Copyright Act in the sum of up to one hundred fifty thousand dollars
20 (\$150,000.00) per infringement. Within the time permitted by law, Plaintiff will
21 make its election between actual damages and statutory damages.

22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiff prays for judgment as follows:

24 **Against All Defendants**

25 **With Respect to Each Claim for Relief**

- 26 a. Against Defendants, and each of them, for willful copyright
27 infringement;
28

- 1 b. Alternatively, against Defendants, and each of them, for copyright
2 infringement;
- 3 c. Against Defendants, and each of them, for vicarious and contributory
4 copyright infringement;
- 5 d. That Defendants, their agents and employees be enjoined from
6 infringing Plaintiff's copyrights in any manner, specifically those in
7 and to the original artworks;
- 8 e. That Defendant Amazon be required to disable access to any
9 unauthorized reproductions of Plaintiff's original artworks from
10 Amazon's computer servers;
- 11 f. That Defendant Amazon be enjoined from retaining reproductions of
12 Plaintiff's original artworks on Amazon's computer servers;
- 13 g. That Plaintiff be awarded all profits of Defendants plus all losses of
14 Plaintiff, plus any other monetary advantage gained by the Defendants
15 through their infringement, the exact sum to be proven at the time of
16 trial, or, if elected before final judgment, statutory damages as
17 available under the Copyright Act, 17 U.S.C. §§ 504, et seq.;
- 18 h. That Plaintiff be awarded its statutory damages and attorneys' fees as
19 available under the Copyright Act, 17 U.S.C. § 505, et seq.;
- 20 i. That Defendants account to Plaintiff for their profits and any damages
21 sustained by Plaintiff arising from the foregoing acts of infringement;
- 22 j. That Plaintiff be awarded the costs of this action;
- 23 k. That Plaintiff be awarded pre-judgment interest as allowed by law;
24 and
- 25 l. That Plaintiff be awarded such further legal and equitable relief as the
26 Court deems proper.

27 ///

28 ///

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7th Amendment to the United States Constitution.

Dated: December 19, 2024

DONIGER/BURROUGHS

By: /s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Attorneys for Plaintiff